

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR THE ADJOURNED REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 2, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Present: None.

Not Present: Council Members Peters, Faulconer, Atkins, Young, Maienschein, Frye,
Madaffer, Hueso.

Vacant: None.

Clerk: Levenson-Cruz.

The City Council meeting of Tuesday, January 2, 2007, has been adjourned, pursuant to the 2006 Legislative Calendar, adopted by Resolution R-301064 on November 22, 2005.

The next regularly scheduled meetings of the City Council are Monday, January 8, 2007, at 2:00 p.m. and Tuesday, January 9, 2007, at 9:00 a.m. The City Council will meet in Closed Session from 9:00 a.m. - 10:00 a.m. (The public portion of Tuesday's meeting will begin at 10:00 a.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED
THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 11, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:04 p.m. Council President Pro Tem Young recessed the meeting at 2:54 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:00 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:00 p.m. to convene the Redevelopment Agency and thereafter convene the Housing Authority. Council President Peters reconvened the regular meeting at 3:01 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:13 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:21 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 6:51 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (mz)

FILE LOCATION:

MINUTES

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ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Larry Coalson of Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Pro Tem Young.

FILE LOCATION: MINUTES

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CLOSED SESSION ITEMS:

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code Section 54956.9(c):

CS-1 *City of San Diego v. Lexington Insurance*
San Diego Superior Court Case No. GIC 875707
United States District Court Case No. 07cv475 DMS (NLS)

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 12, 2007

CDCA Assigned: S. von Kalinowski

This matter involves litigation against a City insurance carrier for breach of contract and the covenant of good faith. The City Attorney requests that the Mayor and City Council authorize the expenditure of funds for costs for the litigation and to ratify an agreement to retain outside counsel to represent the City in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:00 p.m.)

Council President Peters closed the hearing.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-2 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*
San Diego County Superior Court Case No. GIC 850455
(Consolidated with San Diego County Superior Court Case No. GIC 850829)

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 12, 2007

DCA Assigned: G. Spitzer

This litigation regards the validity of the City Council's adoption of the Grantville Redevelopment Plan, Ordinance No. O-19380. City Council will confer with the City Attorney regarding settlement and the status of litigation.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:01 p.m.)

Council President Peters closed the hearing.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation,
pursuant to California Government Code Section 54956.9(b):**

CS-3 Claim for Property Damage by Mary Williams

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 12, 2007

DCA Assigned: C. Fitzgerald

This matter involves an un-litigated claim arising out of a sewer backup that caused extensive damage to the Kensington home of Mary Williams and Tom Bense.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:00 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

**CS-4 Conference with Labor Negotiator, pursuant to Government Code
Section 54957.6:**

Agency Negotiators: Elizabeth Morris and
Carrol Vaughan/Terry Whitesides
for the San Diego Housing Commission

Employee Organizations: Social Services Union, Local 535, SEIU, AFL-CIO

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 12, 2007

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In closed session, the Housing Authority and its negotiators will review with the Authority its position with respect to the salary and fringe benefits of the represented employees, and request instructions from the Housing Authority as to those matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:00 p.m. – 3:01 p.m.)

Council President Peters closed the hearing.

ITEM-200: Approval of FY 2008 Budget.

(See Independent Budget Analyst Report No. 07-60, "Recommended Modifications to the Mayor's Proposed Fiscal Year 2008 Budget".)

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Take the following actions:

(R-2007-1217) ADOPTED AS RESOLUTION R-302734

Adopting the FY 2008 Budget including approval of the Mayor's FY 2008 Proposed Budget with IBA recommended modifications and technical adjustments as detailed in IBA Report 07-60;

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 6/6/2007, Budget recommended to accept the Mayor's Proposed FY 2008 budget proposal (including the May revise) with the following modifications:

1. The Independent Budget Analyst's recommended budget modifications, listed on page 12 of IBA Report 07-60, "Recommended Modifications to the Mayor's Proposed Fiscal Year 2008 Budget"; (Passed 5-0);

2. Revert to the Mayor's proposal on the number of positions and City Attorney total budget of 335.22 FTEs (found on page 243 of Mayor's Proposed FY 2008 Budget), except that the 3 FTEs for attorneys on financial issues be added. (Passed 4-1, with Councilmember Frye voting No);
3. Based on Councilmember Frye's brush management memo of May 31, 2007, add an additional 2 FTE at a cost of \$323,000 to Park and Recreation Open Space Division for the cost of the employees, tools required for brush management and contractual services. The \$323,000 will come from the excess revenues identified by Jay Goldstone in the FY 2007 Year-End Budget Adjustments released June 1, 2007, page 5, identified for terminal leave expenses for employees ending the DROP program. Request the Mayor to provide recommendations on how brush management would be handled with additional budgetary resources of \$323,000 or \$646,000. (Passed 5-0);
4. Retain Miscellaneous Unallocated Funds (line 6 of IBA Recommended Budget Modifications, p. 12), at a net cost of \$900,000. (Passed 3-2, with Councilmember Frye and the Chair voting No);
5. Designate \$150,000 for preparation for Balboa Park Centennial, tentatively from Special Event Revolving Fund (subject to alternative recommendations from the CFO/Mayor); (Passed 5-0);
6. Increase Transient Occupancy Tax allocation from \$10,000 to \$25,000 per council district. (Passed 5-0);
7. Retain all Park Ranger positions, although unfunded and unfilled. (Passed 5-0);
8. Information on CERT to be provided by Monday. (Passed 5-0); and

To endorse the actions listed in "Policy Recommendations" on pages 26 to 29 of IBA Report 07-60. (Passed 5-0).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:00 p.m. – 6:43 p.m.)

MOTION BY MADAFFER TO ACCEPT THE INDEPENDENT BUDGET ANALYST'S RECOMMENDED BUDGET MODIFICATIONS, LISTED ON PAGE 12 OF IBA REPORT 07-60, "RECOMMENDED MODIFICATIONS TO THE MAYOR'S PROPOSED FISCAL YEAR 2008 BUDGET". Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ACCEPT THE MAYOR'S PROPOSAL ON THE NUMBER OF POSITIONS AND CITY ATTORNEY TOTAL BUDGET OF 335.22 FTES (FOUND ON PAGE 243 OF MAYOR'S PROPOSED FY 2008 BUDGET), EXCEPT THAT THE 3 FTES FOR ATTORNEYS ON FINANCIAL ISSUES BE ADDED. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT, WITH RESPECT TO BRUSH MANAGEMENT, SCENARIO 2, ALTERNATIVE A, FROM THE JUNE 8, 2007, MEMORANDUM FROM STACEY LOMEDICO, DIRECTOR OF THE DEPARTMENT OF PARK AND RECREATION, TO ADD 4.00 UTILITY WORKER I POSITIONS, VEHICLES, HAND TOOLS AND POWER TOOLS AND CONTRACTUAL SERVICES, INCREASING THE BUDGET OF THE PARK AND RECREATION OPEN SPACE DIVISION BY \$646,000, THEREBY ALLOWING THE CITY TO THIN AN ADDITIONAL 140 ACRES PER YEAR. THE \$646,000 WILL COME FROM THE EXCESS REVENUES IDENTIFIED BY JAY GOLDSTONE IN THE FY 2007 YEAR-END BUDGET ADJUSTMENTS RELEASED JUNE 1, 2005, PAGE 5, IDENTIFIED FOR TERMINAL LEAVE EXPENSES FOR EMPLOYEES ENDING THE DROP PROGRAM. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO RETAIN MISCELLANEOUS UNALLOCATED FUNDS (LINE 6 OF IBA RECOMMENDED BUDGET MODIFICATIONS, P. 12) AT A NET COST OF \$900,000. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO DESIGNATE \$150,000 FOR PREPARATION FOR BALBOA PARK CENTENNIAL, TENTATIVELY FROM SPECIAL EVENT REVOLVING FUND (SUBJECT TO ALTERNATIVE RECOMMENDATIONS FROM THE CFO/MAYOR). Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO INCREASE TRANSIENT OCCUPANCY TAX ALLOCATION FROM \$10,000 TO \$25,000 PER COUNCIL DISTRICT. THE ADDITIONAL \$120,000 WILL COME FROM THE EXCESS REVENUES IDENTIFIED BY JAY GOLDSTONE IN THE FY 2007 YEAR-END BUDGET ADJUSTMENTS RELEASED JUNE 1, 2005, IDENTIFIED FOR TERMINAL LEAVE EXPENSES FOR EMPLOYEES ENDING THE DROP PROGRAM. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO RETAIN ALL PARK RANGER POSITIONS, ALTHOUGH UNFUNDED AND UNFILLED. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO FUND A HALF POSITION OF A COUNCIL COMMITTEE CONSULTANT TO SUPPORT CALIFORNIA COASTAL COMMISSIONER'S DUTIES AT THE COMMITTEE CONSULTANT RATE. THE ADDITIONAL \$50,000 WILL COME FROM THE EXCESS REVENUES IDENTIFIED BY JAY GOLDSTONE IN THE FY 2007 YEAR-END BUDGET ADJUSTMENTS RELEASED JUNE 1, 2005, IDENTIFIED FOR TERMINAL LEAVE EXPENSES FOR EMPLOYEES ENDING THE DROP PROGRAM. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO PROVIDE FOR AN OUTSIDE AUDIT OF THE SEDC FROM THE SEDC BUDGET. *Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.*

MOTION BY MADAFFER TO ENDORSE THE ACTIONS LISTED IN "POLICY RECOMMENDATIONS" ON PAGES 26 TO 29 OF IBA REPORT 07-60. ADD A POLICY RECOMMENDATION THAT THE CITY COMMIT TO WORK CONTINUOUSLY ON EQUAL OPPORTUNITY CONTRACTING. *Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.*

MOTION BY COMMON CONSENT TO REDUCE THE \$5,000,000 TO BE DEPOSITED INTO THE GENERAL FUND RESERVES TO \$2,644,265 INSTEAD OF TAKING THE FUNDS FROM FISCAL YEAR 2007 RESERVES. *Passed by the following vote: Peters-nay, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.*

MOTION BY FRYE TO DEDUCT \$465,000 FROM THE \$2,644,265, PENDING DISCUSSION ON SEPTEMBER 11TH TO BE PUT INTO THE GENERAL FUND RESERVES TO PAY FOR THE WINTER SHELTER. AS THE MONEY COMES IN, IT SHALL BE PUT INTO THE RESERVES. *Second by Madaffer. Passed by the following vote: Peters-nay, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.*

NOTE: LINE ITEM 12 WAS VETOED BY THE MAYOR ON JUNE 13, 2007.

ITEM-201: Selection of Enterprise Resource Planning (ERP) System Software and Establishment of CIP.

(See Reports to the City Council No. 07-106, 07-060, and 07-027.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1178) ADOPTED AS RESOLUTION R-302710

Authorizing the Mayor, or his designee, to make draws against the IBM Credit Facility, for the purpose of financing the cost of acquiring the equipment, software and services selected by SDDPC, together with any cost related thereto, *for the implementation of the City's ERP Project;*

Authorizing the City Auditor and Comptroller to:

- a. Add CIP-92-000.0, Enterprise Resource Planning System Core Capital Project, to the Fiscal Year 2007 Capital Improvements Program.
- b. Create a special interest bearing reimbursement fund, 500711, ERP Capital Project Fund, for the purpose of depositing funds from the IBM Credit Facility.
- c. Increase by \$5,000,000 the Fiscal Year 2007 Capital Improvements Program Budget in CIP-92-000.0, Enterprise Resource Planning System Core Capital Project, Fund 500711, Capital Project Fund.
- d. Appropriate and expend \$5,000,000 from CIP-92-000.0, Enterprise Resource Planning System Core Capital Project, Fund 500711, Capital Project Fund, for the purpose of purchasing the ERP equipment, software and services, contingent upon the City Auditor and Comptroller first certifying that funds are, or will be, on deposit with the City Treasurer.
- e. Redirect interest earnings in Fund 50071, ERP Fund, to Fund 500711, ERP Capital Project Fund.
- f. Return excess funds to the appropriate reserves.

STAFF SUPPORTING INFORMATION:

SAP AG has been selected to supply the City's ERP software, and company representatives will be present and available for questions when this report is presented to Council. This report provides a review of the process used to select the software, an overview of the capabilities of the selected software, and an overview of the project management processes that will be used to manage the implementation project following selection of a system integrator.

As requested by the IBA, the capital cost for the ERP Core Implementation Project has been added to the FY08 budget as a CIP. The FY07 portion of the CIP is being added in this request.

FISCAL CONSIDERATIONS:

Overall fiscal considerations have been addressed in Report No. 07-027 and Report No. 07-060. The total amount that will be budgeted in the CIP project is \$29.5 million; \$5 million in FY07, \$16.3 million in FY08 (included in the May Revised Budget), and \$8.2 million in FY09. These amounts match the projected fiscal year draws from the Lease Purchase Agreement with IBM Credit LLC.

The interest earnings in Fund 50071 will be used to offset any of the negative interest related to the planned quarterly reimbursements from the credit vehicle. Initial project estimates for the ERP software were in the range of \$4 million to \$5 million. Negotiated contract price for the ERP software, including SAP licenses and 3rd party software licenses, is \$3,757,250. Initial project estimates for the ERP software annual license maintenance were in the range of \$1 million to \$2 million. Negotiated price for the ERP software annual license maintenance, including SAP license maintenance and 3rd party license maintenance is \$818,633.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 6, 2006, the Mayor presented to City Council his proposed responses to the remedial recommendations of the City of San Diego's Audit Committee. The City Council agreed to accept and adopt in principle the Mayor's responses to the remedial recommendations of the City's Audit Committee, knowing that any changes in appropriations, Municipal Code, Council Policy or City Charter, will come to the Council for further review and discussion as the plan is implemented.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 24, 2006, the Mayor discussed his remediation plan in response to the City of San Diego's Audit Committee Report at a town hall style meeting. In addition, the Mayor created a "Kroll News Center" on the City's public website that includes the Mayor's proposed Remediation Plan with Fact sheet and Remediation Plan Remarks as well as a video link to the previously mentioned town hall meeting and the Audit Committee Report itself.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City is evaluating the impact of this project on its business partners and on related agencies to include the San Diego City Employees Retirement System (SDCERS) and San Diego Data Processing Corporation (SDDPC). It is anticipated that some effort will be required to integrate the financial systems used by these organizations with the City's ERP system. Detailed planning of these integrations will take place as part of the project planning phase.

McGarvey/Reynolds

Staff: George Brister - (619) 533-4251
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:53 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-202: Fiscal Year 2008 Tax Appropriations Limit (Gann Limit).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1167) ADOPTED AS RESOLUTION R-302711

Establishing the following tax appropriations limit for the City of San Diego, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 et seq.):

Established for Fiscal Year 2008	\$1,264,717,843
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Certifying the documentation upon which the tax appropriations limit herein established has been determined, which is attached hereto as Exhibit A, has been made available for public information and review at the Office of the City Clerk (May 30, 2007), pursuant to the requirements of Section 7910 of the California Government Code.

STAFF SUPPORTING INFORMATION:

In November 1979, California voters approved Proposition 4 (the Gann Initiative) and added Article XIII B to the California State Constitution. In 1980, the State Legislature added Division 9 (commencing with Section 7900) to Title I of the Government Code to implement Article XIII B. This legislation required the governing body of each local jurisdiction in California to establish a Tax Appropriations Limit on or before June 30 of each year for the following fiscal year. The Tax Appropriations Limit is based on actual appropriations during the State of California Fiscal Year 1978-1979, and adjusted each year using population and inflation adjustment factors.

On June 5, 1990, California voters approved Proposition 111, amending Article XIII B. Proposition 111 allowed local jurisdictions to choose among measures of inflation and population growth to compute the adjustment factor. The measures for inflation (price factors) include growth in the California per capita income or growth in the non-residential assessed valuation due to construction within a city; measures for population growth include population growth within the county or city. Attachment 1 presents a 10-year history of the adjustment factors and tax appropriation limits for the City of San Diego.

The proposed Tax Appropriations Limit for Fiscal Year 2008 is \$1.26 billion. In accordance with Proposition 111 Guidelines, the Fiscal Year 2008 Tax Appropriations Limit was calculated by adjusting the prior year's tax appropriations limit using one of the adjustment factors. See Attachment 2 for alternative adjustment factors applicable to Fiscal Year 2008. The recommended Fiscal Year 2008 adjustment factor was calculated using the price factor based on the percent change in assessed valuation of new non-residential construction within the City (8.20%) and the population factor based on the percent growth in the County's population (1.22%), resulting in an adjustment factor of 9.52% (see Attachment 2). The use of this adjustment factor results in a Tax Appropriations Limit for Fiscal Year 2008 of \$1.26 billion, a 9.52% increase over the Fiscal Year 2007 Tax Appropriations Limit of \$1.15 billion.

The Tax Appropriations Limit does not apply to all City revenues, or all General Fund revenues, but only to proceeds of taxes including property tax, sales tax, transient occupancy tax, motor vehicle license fees, and other local taxes, less the amount paid in debt service on both voters approved debt and qualified capital outlays¹. Other revenues, including fees, licenses and permits, rents and concessions, and inter-fund transfers are not subject to the limit. The Proposed

Budget for Fiscal Year 2008 as well as an item to be included in the Mayor's May Budget Revision projects the tax appropriations subject to the limit to be \$811,846,618. See Attachment 3 for details on the Fiscal Year 2008 appropriations subject to the limit. The projected appropriations subject to the limit are estimated to be approximately \$452.9 million below the recommended limit².

FISCAL CONSIDERATION(S):

The City Council has the option to select one of the other three adjustment factors allowed under Proposition 111 to establish the Fiscal Year 2008 Tax Appropriations Limit. As shown in Attachment 2, each of these three alternative options would result in a lower annual adjustment factor and therefore a lower Tax Appropriations Limit. A lower appropriations limit would lower the base used for calculation of the limit in future years, which could lower the City's ability to appropriate tax revenues.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Since the inception of the Gann Initiative in 1979, the City Council has adopted a Tax Appropriations Limit annually.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In accordance with California Law, Division 9 of the Government Code, supporting documents for the tax appropriations limit is made available to the public, at the Office of the City Clerk, 15 days prior to City Council adoption of the limit.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Not adopting the FY 2008 Tax Appropriations Limit on or before June 30, 2007, will be a violation of California Law, Division 9 of the Government Code.

Goldstone

¹ A fixed asset, including land, with a useful life of more than 10 years and a value that equals or exceeds \$100,000.

² Changes to the FY 2008 Proposed Budget will not impact the action of establishing the tax appropriations limit, which is calculated using adjustment factors and the prior year's limit. If changes to the budget lead to an increase in appropriations subject to the limit, the gap between the appropriations subject to the limit and the limit will change. As noted above, the projected appropriations subject to the limit are well below the recommended FY 2008 Tax Appropriations Limit.

Staff: Irina Kumits - (619) 235-5714
Mark D. Blake – Chief Deputy City Attorney

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:43 p.m. – 6:47 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:51 p.m. in honor of the memory of:

Tracee Parsons and Ron Newman as requested by Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:47 p.m. – 6:51 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 12, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:00 a.m. Council President Peters recessed the meeting at 11:05 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:11 a.m. with Council Member Atkins not present. The meeting was recessed by Council President Peters at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with Council Members Maienschein and Hueso not present. Council President Peters recessed the meeting at 2:03 p.m. to convene into Closed Session. Council President Peters reconvened the meeting at 2:28 p.m. with Council Members Maienschein and Hueso not present and thereafter convened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:35 p.m. with Council Member Hueso not present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the meeting at 2:37 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 2:38 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:20 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 3:21 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:30 p.m. with Council President Pro Tem Young and Council Members Maienschein and Hueso not present. Council President Peters recessed the meeting at 4:39 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:44 p.m. with Council President Pro Tem Young and Council Members Maienschein and Hueso not present. The meeting was adjourned by Council President Peters at 5:19 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present

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(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (dlc/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-not present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Linda Pennington commented on the Face Lift event with the Euclid Clean-up Project and gave thanks to all volunteers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

PUBLIC COMMENT-2:

Referred to City Attorney: Homer Barrs commented on the Mission Valley Village Mobile Home Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:40 a.m.)

PUBLIC COMMENT-3:

Joy Sunyata commented on the Red Beret Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:45 a.m.)

PUBLIC COMMENT-4:

Don Stillwell commented on prayer and flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-5:

Phil Hart commented on the Sunroad Project and Business Process Reengineering.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:51 a.m.)

PUBLIC COMMENT-6:

Jarvis Ross commented on computer technology.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

PUBLIC COMMENT-7:

Billy Paul commented on the flag salute during Non-Agenda Public Comments, the Mission Bay Park Committee, and the mini dorm issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:57 a.m.)

PUBLIC COMMENT-8:

Donald Albright commented on new taxes and maintenance assessment districts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 11:00 a.m.)

PUBLIC COMMENT-9:

Steve Bruce commented on World Summit for children in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:03 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins thanked Community Housing Works for organizing the Face Lift Event.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:36 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

04/23/2007

04/24/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:00 a.m. – 10:00 a.m.)

MOTION BY MADAFFER TO APPROVE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

ITEM-31: Barbara Baker Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1187) ADOPTED AS RESOLUTION R-302712

Congratulating and offering appreciation to Barbara Baker, and proclaiming June 12, 2007, as "Barbara Baker Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. – 10:03 a.m.)

MOTION BY FAULCONER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

ITEM-32: Philippine Independence Week.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-926) ADOPTED AS RESOLUTION R-302713

Designating June 9 to June 16, 2007, to be "Philippine Independence Week."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:10 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

ITEM-33: Bob Dingeman Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1038) ADOPTED AS RESOLUTION R-302714

Proclaiming June 12, 2007, as "Bob Dingeman Day" in the City of San Diego in recognition of the many community services he has provided to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:19 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

* ITEM-100: Two actions related to Inviting Bids for the Construction of Del Mar Mesa Neighborhood Park Project.

(Del Mar Mesa Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-933) ADOPTED AS RESOLUTION R-302715

Approving the plans and specifications for the construction of Del Mar Mesa Neighborhood Park (Project), as advertised by Purchasing and Contracts, on Work Order No. 295330;

Authorizing the Mayor, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,000,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from CIP-29-533.0, Del Mar Mesa Neighborhood Park, Fund No. 79010, Del Mar Mesa Facilities Benefit Assessment, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K073129)

Subitem-B: (R-2007-1106)

ADOPTED AS RESOLUTION R-302716

Stating for the record that Del Mar Mesa Neighborhood Park is a subsequent discretionary approval of the Project addressed in MEIR, LDR No. 99-0729 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final MEIR, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of Del Mar Mesa Neighborhood Park does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

STAFF SUPPORTING INFORMATION:

Del Mar Mesa Neighborhood Park is located in the community of Del Mar Mesa, just east of Carmel Valley. The total park site is 3.96 acres with the useable area being approximately 3.76 acres. The park site is located at just south of the eastern end of Del Mar Mesa Road on Carmel Mountain Road. The park will primarily serve residents of Del Mar Mesa and is the only public park proposed for the community. When the proposed extension of Carmel Mountain Road from Carmel Valley's Neighborhood 10 to Del Mar Mesa Rd. is complete, it is anticipated that residents of Neighborhood 10 may use the park as well.

The General Development Plan for the park was formulated through input gathered at three meetings with the community via the Carmel Valley Recreation Council. It provides for passive picnic areas with shelters, a playground, parking area, walkways, and a small comfort station. The community of Del Mar Mesa is equestrian oriented and a multi-use trail will run along the Carmel Mountain Road frontage of the park. A small area has been set aside within the park to accommodate equestrians that may pass by the park while using the trail system within Del Mar Mesa.

The Specific Plan for the Del Mar Mesa Planning Area was adopted by the City Council on June 27, 2000 and identifies the overall goal of Del Mar Mesa planning efforts as "To preserve the rural Character of Del Mar Mesa while accommodating clustered development and the preservation of open space." Within the Community Design Guidelines portion of the Specific Plan, the overall goal of the community character within Del Mar Mesa is further defined. "Develop the community of Del Mar Mesa as a rural community that emphasizes open spaces, dark night skies, hiking and equestrian trails and sensitively designed developments which compliment the existing topography". To achieve this character, natural materials such as decomposed granite are proposed for the park's walkways and parking lot. Concrete paving will be limited to those areas where necessary for maintenance and accessibility purposes.

Split rail fencing, similar to the fencing along the community's trail system, will be used to separate use areas such as the equestrian area from the parking lot, park turf areas and the playground. Security lighting will be limited to the parking area in order to accommodate the dark night skies identified in the Specific Plan.

FISCAL CONSIDERATIONS:

All approved costs associated with the acquisition, design and construction of this park are funded through the Del Mar Mesa Facilities Benefit Assessment, Fund No. 79010. The cost to operate and maintain this project on an annual basis is estimated at \$65,000. This includes all staffing, labor, material, equipment, supplies, etc. This project is located in a park deficient community and the funding source will be the general fund. A funding request by the department will be made to the Mayor in the budget year the facility goes into operation, anticipated to be FY09.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Del Mar Mesa Specific Plan adopted by Council, June 27, 2000, O-18821.
- The Del Mar Mesa Specific Plan Master Environmental Impact Report (MEIR), Report No. 95-0353, was certified by the City Council on July 30, 1996, Resolution R-287714. The City Council certified an addendum to the MEIR, Addendum LDR No. 40-0212 on June 27, 2000, R-293414.
- A Park Reimbursement Agreement was approved by Council on May 24, 2004, R-299260.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Project design was reviewed and approved by the following at publicly noticed meetings:
Carmel Valley Recreation Council - 3 public workshops were held for Del Mar Mesa residents; Community Parks 1 Area Committee; Design Review Committee; Park and Recreation Board

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Del Mar Mesa community

LoMedico/Reynolds

Aud. Cert. 2700735.

Staff: Reza Taleghani - (619) 533-3422
Shannon M. Thomas - Deputy City Attorney

FILE LOCATION: W.O. 295330

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

- * ITEM-101: Additional Funding and Award for Sidewalk Replacement Group I, FY 07 (Tree Related).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1179) ADOPTED AS RESOLUTION R-302717

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Capital Improvement Program budget for Fiscal Year 2007 to increase CIP-59-002.0, Sidewalks Replacement and Reconstruction, by the amount of \$216,730;

Authorizing the City Auditor and Comptroller to transfer the amount of \$216,730 from Street Division General Operating Fund No. 100, to Contributions from General Fund No. 630221, CIP-59-002.0, Sidewalks Replacement and Reconstruction;

Authorizing the Mayor, or his designee, to award the Sidewalk Replacement Project, Group I construction contract to the lowest responsible bidder, in an amount not to exceed \$974,830, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the additional expenditure of an amount not to exceed \$216,730 from Contributions from General Fund No. 630221, CIP-59-002.0, Sidewalks Replacement and Reconstruction, solely and exclusively, to provide additional funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c), as the repair and maintenance of existing sidewalks and gutters.

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for the Regular Meeting of Tuesday, June 12, 2007**

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STAFF SUPPORTING INFORMATION:

On March 27, 2007, the City Council authorized the advertising and award of this Citywide sidewalk replacement contract. The contract includes 341 locations that have been damaged by street trees.

The original bid opening for Sidewalks Replacement Group I contract resulted in three bidders all exceeding the engineer's estimate of \$722,000. The contract was re-bid, and the new bids are being evaluated for compliance with City's Subcontractor Outreach Program. The base bid of the apparent low bidder is \$216,730 over the engineer's estimate. The spread between the apparent low and second low bidder was 9.7%. Construction prices continue to show volatility due to a number of market factors. It is staff's recommendation that this bid be accepted and that Council authorize the staff to transfer additional funds of \$216,730 to award the contract when the apparent responsive, responsible bidder has been determined.

Construction is expected to start in July of 2007 and be completed in December/January of 2008.

FISCAL CONSIDERATIONS:

\$216,730 in funds for this project is available in Street Division Operating Fund 100.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 27, 2007, Resolution R-302495 authorized the advertising and award of the original contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of locations for sidewalk replacement on this contract was previously provided to the Mayor and Council and is unchanged.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens will be notified by the contractor when sidewalk replacement at their property will begin.

Sierra/Haas

Aud. Cert. 27007788.

Staff: Mohammad Sammak - (619) 527-7504
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

- * ITEM-102: Contract Change Order No. 2 with Pavement Recycling Systems, Incorporated for the Central Police Garage Remediation Project.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1154) ADOPTED AS RESOLUTION R-302718

Approving Change Order No. 2, dated April 5, 2007, issued in connection with the contract between the City of San Diego and Pavement Recycling Systems, Incorporated, for the Central Police Garage Remediation (Project), said contract having been filed with the Department of Purchasing and Contracting as Document No. K063207; and the changes therein set forth, amounting to a net increase in the contract price in an amount not to exceed \$500,000;

Authorizing the expenditure in an amount not to exceed \$500,000 from CIP-35-082.1, San Diego New Main Library, Fund No. 98808, for the purpose of executing this construction change order, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under LDR No. 41-0980. This activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

STAFF SUPPORTING INFORMATION:

In June 2000, the Mayor and Council reviewed several alternative sites and selected the Park to Bay site for the proposed Main Library. The Park to Bay site is adjacent to the main intersection of the Park to Bay link, between 11th and 12th and J and K streets in downtown San Diego. The City Council also authorized the relocation of the existing police garage from the selected library site in October 2000, which was completed in 2005.

Demolition of the vacated police garage occurred in the fall of 2006. This contract provides for the excavation and removal of the contaminated soils left behind by the police garage, to fully remediate the site.

Construction Change Order No. 2 includes extra costs for additional excavation and transportation of roughly 6,000 tons of contaminated soil. The original remediation contract was based upon preliminary environmental testing and assumptions regarding the quantities of contaminated soil to be removed. However, additional contaminated soils and unknown conditions were encountered during excavation and required to be removed in order to clean the site for future use.

FISCAL CONSIDERATIONS:

The total maximum estimated cost of this contract is \$1,233,600.65 of which \$733,600.65 was previously authorized. This action is authorizing a not-to-exceed contract increase of \$500,000 which will be funded by CCDC Fund 98808, CIP-35-082.1, San Diego New Main Library, for this purpose. The expenditure of funds was previously authorized by City Council and the Redevelopment Agency on April 19, 2005, via Resolution R-300359.

PREVIOUS COUNCIL COMMITTEE ACTION:

On June 5, 2000, per R-293252, City Council selected the new site at 12th Street and J Street (the Park to Bay site) and directed the City Manager to take the necessary steps to prepare for locating a New Main Library on the selected site. The City Council also authorized the relocation of the existing Police Garage from the site on October 2, 2000 per R-293901. On May 28, 2002, the City Council certified the Mitigated Negative Declaration (LDR-No. 41-0980) for the development of the Main Library. On April 19, 2005, City Council and the Redevelopment Agency authorized the expenditure of \$3,737,202 for a total of \$6,500,000 of Agency tax increment funds, for the removal of the underground tanks, demolition of the existing Police Garage, clean up and removal of contamination found on the site, and project and construction management costs associated with the New Main Library project development.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Citizen committees have studied possible sites for the new main library through 45 independent studies done over a 35-year period of time. Beginning in 1999, six potential downtown sites were analyzed through a process of public hearings and workshops.

An extensive series of workshops were held with thousands of citizens providing valuable input. Conceptual designs were created for four preferred sites to determine each site's ability to accommodate the expanded library program and future expansion space. In addition, estimates of the cost to develop a library on each of the sites were thoroughly analyzed to allow presentation of initial costs for library buildings that are as comparable in terms of size, configuration, parking capacity, plazas, and building material quality. The last study conducted by a Citizen's Design Review Committee, representing a wide range of community interests and strong political and community support, recommended the Park to Bay site to the Mayor and City Council. The Friends of the Library, comprised of 35 separate Friends groups, endorsed the site, as did the Centre City Development Corporation, which has oversight over planning for the downtown region. Based on this overwhelming support, the Mayor and City Council unanimously approved this site.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The key stakeholder is the contractor Pavement Recycling Systems, who will receive payment for Construction Change Order No. 2. There are no projected financial impacts as no new fees or regulations are proposed as part of this action.

Oskoui/Haas

Aud. Cert. 2700724.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: CONT. – Pavement Recycling Systems, Inc.

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

* ITEM-103: Ransom Street and Darwin Way Storm Drain Replacement Project.

(Otay Mesa-Nestor Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1143) ADOPTED AS RESOLUTION R-302719

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-11-302.0, Ransom and Darwin Storm Drain Replacement Project, by increasing the budget amount by \$30,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from CIP-13-005.0, Emergency Drainage Projects, to CIP-11-302.0, Ransom and Darwin Storm Drain Replacement Project, within Fund No. 30300, TransNet;

Authorizing the appropriation and expenditure of an amount not to exceed \$30,000 from CIP-11-302.0, solely and exclusively, for the purpose of providing funds for Ransom and Darwin Storm Drain Replacement Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The condition of the existing corrugated metal pipe (CMP) on Darwin Way (610 linear feet of 42 inch diameter from 120 feet east of Tico Court to Ransom Street) and Ransom Street (490 linear feet of 42 inch diameter from 1080 to 975 Ransom Street) has been deteriorating.

The deterioration has become critical as evident from the sinkhole that was recently reported within the storm drain alignment on Darwin Way. The transfer of the additional \$30,000 from CIP-13-005.0, Emergency Drainage Projects to CIP-11-302.0, Ransom Street and Darwin Way Storm Drain Replacement Project, will be used for the design of the project. The project consists of replacing 1,100 linear feet of 42 inch diameter deteriorated corrugated metal pipe with reinforced concrete pipe.

FISCAL CONSIDERATIONS:

The funds for this action in the amount of \$30,000 are available in CIP-13-005.0, Emergency Drainage Projects, TransNet, Fund 30300.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

KEY STAKEHOLDERS: N/A

Boekamp/Haas

Aud. Cert. 2700749.

Staff: Jamal Batta - (619) 533-3769
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

* ITEM-104: Normal Street Median Improvements – Allocation of Funds.

(Hillcrest and Uptown Community Areas. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1171) ADOPTED AS RESOLUTION R-302720

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-52-769.0, Normal Street Median Improvements (Project);

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget in CIP-52-769.0, Normal Street Median Improvements, by \$228,250 of which \$104,000 is in Fund No. 79512, Development Impact Fees and \$124,250 is in Fund No. 70303, Community Parking District Fund (Uptown CDP);

Authorizing the appropriation and expenditure of an amount not to exceed \$228,250 from CIP-52-769.0, solely and exclusively, for the purpose of engineering and construction funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, from CIP-52-769.0, Normal Street Median Improvements, to the appropriate reserves;

Declaring that this activity is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3). Further environmental analysis will be required prior to authorization of construction contract.

STAFF SUPPORTING INFORMATION:

In cooperation with Uptown Partnership, Inc. (UPI) and Kawasaki, Theilacker, Ueno + Associates (KTU+A) a conceptual design was prepared for improvements to Normal Street between University and Blaine Avenues.

This plan will improve traffic circulation, prevent illegal u-turns, and enhance pedestrian safety. In addition to these traffic and pedestrian related project features, the new landscaped median will include aesthetic enhancements that provide for the creation of fifteen additional parking spaces. The current number of unmetered parking spaces would be decreased by three. However, sixteen new metered spaces, as well as two disabled parking spaces, will be created. The proposed landscaping includes the addition of eighteen trees as well as numerous shrubs and groundcover. This project has been conceptually designed within the guidelines of the Uptown Community Plan.

FISCAL CONSIDERATIONS:

The preliminary cost estimate for CIP-52-769.0, Normal Street Median Improvements, based on conceptual drawings, is \$228,250. Of this, \$104,000 is available in Uptown Development Impact Fees (DIF) Fund and \$124,250 in Uptown Parking District Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The project was presented to the community at KTU+A's office on February 18, 2006. Refinements have since been made to the conceptual design to address the community concerns.

City Engineering staff will continue to work with UPI and all stakeholders for consensus on the final plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Uptown Partnership, Inc., Surrounding Residents and Businesses, Hillcrest Community

Boekamp/Haas

Staff: Dave Zoumaras - (619)533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

* ITEM-105: Bayshore Bikeway Funding.

(Otay Mesa-Nestor Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1076) ADOPTED AS RESOLUTION R-302721

Amending the Fiscal Year 2007 Capital Improvement Program Budget, by adding CIP-58-140.0, Bayshore Bikeway (Project);

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-58-140.0, Bayshore Bikeway, Fund No. 30301, by increasing the budget amount by \$100,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 within Fund No. 30301, Proposition A Bikeway funds, from Non-CIP Order No. 285036, Bayshore Bikeway Study, to CIP-58-140.0, Bayshore Bikeway, to consolidate funding in the Project;

Authorizing the appropriation and expenditure of an amount not to exceed \$100,000 from Fund No. 30301, Proposition A Bikeway Funds, CIP-58 140.0 Bayshore Bikeway, solely and exclusively, for the purpose of providing funds for Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or designee to take all necessary actions to secure funds from Caltrans in Regional Surface Transportation Program (RSTP) for the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds on the Project if the RSTP funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the RSTP funds;

Authorizing the City Auditor and Comptroller to appropriate and expend an additional \$2,977,000 from CIP-58-140.0, Bayshore Bikeway, RSTP Funds, contingent on appropriate approval and award of one or more contracts for performance of the Project, if said Project will not be performed by City forces, and upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" and is therefore not subject to State CEQA Guidelines Section 15060(c)(3). The environmental review is underway for the Project and the appropriate environmental document will require Council approval.

STAFF SUPPORTING INFORMATION:

The Bayshore Bikeway is a multi-agency project to provide a Class I bicycle path around San Diego Bay from Point Loma to Coronado. The portion of the Bayshore Bikeway within the Otay Mesa-Nestor community will complete the missing segment at the southeast corner of San Diego Bay, from 13th Street at the Imperial Beach City Limit to Main Street at the Chula Vista City Limit.

In December 1994, City Council authorized the application for, and acceptance of, SANDAG bikeway funding in the amount of \$100,000 for the Bayshore Bikeway Feasibility Study. At the time, the study was not included in the Capital Improvement Program budget, and the funds were not expended. This action will consolidate project funding by moving the feasibility study allocation from the non-CIP job order into the CIP where it can be utilized for project design and related studies. The feasibility study for the project was completed in 1999 utilizing alternative funding sources.

Congestion Mitigation Air Quality (CMAQ) funds had been identified by CalTrans for the construction of the Bayshore Bikeway. California State legislative action subsequently de-obligated CMAQ funding in this project. However, construction funding was made available through the Regional Surface Transportation Program. Further Council action approving the environmental document and authorizing the advertisement for bids will be sought before this project begins construction.

FISCAL CONSIDERATIONS:

Current project appropriation is \$916,775. The transfer of \$100,000 of TransNet bike funds will increase available funding in the project to \$1,016,775. When RSTP grant funds of \$2,977,000 are received, total appropriations in CIP-58-140.0, Bayshore Bikeway, will be increased to \$3,993,775.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- R-285036, dated December 5, 1994, authorized the acceptance of \$100,000 in Proposition A Bikeway Funds, Fund 30301, for the Bayshore Bikeway Feasibility Study.
- R-293689, dated August 15, 2000, authorized the acceptance of \$350,000 in CMAQ funding, Fund 38683.
- R-298460, dated October 13, 2003, authorized the transfer of \$50,000, Fund 390055, LTF-SANDAG Claim 228 (FY92) from the Bay Route Bikeway Environmental Study.
- R-300662, dated July 18, 2005, authorized the acceptance of \$500,000 in CMAQ funding, Fund 38683.
- R-301050, dated November 21, 2005, authorized the acceptance of \$179,000 in TDA/LTF funds, Fund 390069 (funds not yet received/appropriated).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Otay Mesa-Nestor Planning Group reviewed and approved the project in 2000.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Kimley Horn, project design consultant
BRG, Inc.
Simon Wong Engineering

Boekamp/Haas

Aud. Cert. 2700704.

Staff: Richard Leja - (619) 533-3764
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

* ITEM-106: Deappropriation of TransNet Commercial Paper.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1078) ADOPTED AS RESOLUTION R-302722

Authorizing the City Auditor and Controller to deappropriate TransNet Commercial Paper, Fund 30306, in the amount of \$8,180,392 on June 30, 2007;

Declaring that this activity is not a "project" and therefore not subject to CEQA, per CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

In an effort to better manage TransNet funding for capital improvement projects, a cash management process was implemented in 1997. Cash management is a process in which the City makes money available on an as-needed basis to complete a project.

The City's first priority is to use TransNet cash for projects as much as possible in an attempt to minimize the issuance of Commercial Paper. This is accomplished through a cash management system which identifies projects that require immediate financing and also identifies available cash. Cash is transferred to projects budgeted with Commercial Paper with an immediate financing need. To maintain the balance of appropriations within the capital improvement program budget, an equal amount of commercial paper is then moved to the cash funded project. This cash management process continues throughout the year which reduces the use of debt and maximizes the use of available cash. This process avoided debt service costs to be incurred by the City.

There is currently \$9,656,425 of TransNet Commercial Paper appropriations from prior years which was carried over in the Fiscal Year 2007 Capital Improvements Program budget. As a result of our cash management process, it is recommended that \$8,180,392 of prior year commercial paper be deappropriated this fiscal year. The remaining prior year commercial paper balance of \$1,476,033 is needed to sustain current project funding levels.

FISCAL CONSIDERATIONS:

There will be no fiscal impacts to projects as a result of this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Prior actions to deappropriate TransNet Commercial Paper, Fund 30306: R-301607 on June 27, 2006; R-300515 on June 13, 2005; R-299357 on June 21, 2004; R-298124 on June 24, 2003; R-296728 on June 24, 2002; R-295078 on June 19, 2001; and R-293352 on June 20, 2000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEYSTAKEHOLDER AND PROJECTED IMPACTS: Not Applicable.

Boekamp/Haas

Aud. Cert. 2700763.

Staff: Dave Zoumaras - (619) 533-3318
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

* ITEM-107: Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1040) ADOPTED AS RESOLUTION R-302723

Authorizing the Fiscal Year 2007 Capital Improvement Program Budget to be amended by adding CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements (Project);

Authorizing the Fiscal Year 2007 Capital Improvements Program Budget to be increased by \$460,000 in CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements, Fund No. 630221;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$460,000 from Fund No. 100, General Services, Storm Water Pollution Prevention Division Operating Fund to CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements, Fund No. 630221, for the purpose of funding the Project;

Authorizing the appropriation and expenditure of an amount not to exceed \$460,000 from CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements, Fund No. 630221, solely and exclusively, for the purpose of providing funds for the Project provided that proper procedures are followed and that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 existing facilities.

STAFF SUPPORTING INFORMATION:

The purpose of this project is to televise the approximately 13 miles of drainage CMP that have been identified to be in CITY non-right-of-way. This project will identify the sites at high risk to property and other elements for immediate repair/replacement or re-alignment. The resulting product will be an identification of the deficient systems and a ranking to identify the critical drainage projects. Afterwards, storm drain projects will be initiated based on the ranking and funding availability.

FISCAL CONSIDERATIONS:

The Storm Water Pollution Prevention Division's Fiscal Year 2007 approved budget includes \$460,000 for Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements. Funds in the amount of \$460,000 for this action are available in Fund 100, General Services, Storm Water Pollution Prevention Division Operating Fund.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approved Fiscal Year 2007 budget for Storm Water Pollution Prevention Division.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: City of San Diego.

Aud. Cert. 2700699.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

- * ITEM-108: Annual Review of the North City West (Carmel Valley) School Facilities Master Plan, Fiscal Year 2005-2006.

(See letter from Rodger Smith dated 3/28/2007. Carmel Valley Community Area District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1102) ADOPTED AS RESOLUTION R-302724

Accepting the annual review of the Fiscal Year 2005-2006 North City West (Carmel Valley) School Facilities Master Plan;

Declaring this activity is not a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The North City West School Facilities Master Plan was adopted by City Council Resolution R-255381 on November 17, 1981. The Joint Powers Agency titled "North City West School Facilities Financing Authority" was adopted by the City Council on July 5, 1983, by Resolution R-2588833. The Mello-Roos Community Financing District No. 1 was formed on August 8, 1988, to supplement the financing of school facilities in Carmel Valley (formerly North City West). The Mello-Roos District covers 96% of the then remaining undeveloped residentially zoned land in Carmel Valley. The remaining 4% continues to be subject to the direct deposit fee established by the original Master Plan and updated periodically with City Council approval. The direct deposit fee schedule was last revised on May 7, 2002 - to remain in effect through Fiscal Year 2010.

The Master Plan indicated that an annual review by the City Council shall be performed in consultation with the Joint Powers Agency (JPA). The purpose of the review is to "evaluate the needed school facilities, and to reevaluate the costs and deposits for the program". The Joint Powers Agency has performed its annual review and summarized its findings in the attached letter dated March 28, 2007.

The member districts of the Joint Powers Agency have been evaluating school facilities needs in view of class size reductions and increased enrollments. Consequently, it has been determined that additional facilities will be needed beyond those provided for in the Master Plan. These requirements are outlined in the report and include an additional two elementary schools. However, because these additional facilities are financed entirely through the JPA, there is no impact on City funding sources.

FISCAL CONSIDERATION:

None to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Previous City Councils have accepted the annual reports as submitted.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The City is a member of the Joint Powers Agency along with the three school districts and has the responsibility to review compliance with the North City West School Facilities Master Plan.

Anderson/Waring

Staff: Megan Sheffield - (619) 533-3678
Elizabeth Coleman - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea

* ITEM-109: Settlement of Injury and Property Damage Claims of Jill Shina.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1084) ADOPTED AS RESOLUTION R-302725

A Resolution approved by the City Council in Closed Session on Tuesday, March 20, 2007, by the following vote: Council President Peters-yea; Faulconer-not present; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the sum of \$69,999.99 to be paid from the Water Utility Fund 41500 in settlement of each and every claim against the City, its agents and employees, arising from the litigation;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$69,999.99 payable to Laureti & Sidiropoulos, APLC and Jill Shina.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Jill Shina as a result of an automobile accident involving a City vehicle.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Water Utility fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In the Closed Session Meeting of March 20, 2007, the City Council voted unanimously in Item CS-4 Jill Shina v. City of San Diego, San Diego Superior Court Case No. GIC 861123, to accept Plaintiffs 998 offer to settle the litigation in the amount of \$69,999.99. The motion was made by Councilmember Madaffer with a second by Councilmember Hueso. It passed 7 to 0. Councilmember Faulconer was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2700713.

Staff: James Coldren – (619) 236-5598
Robert J. Walters – Deputy City Attorney

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Hueso-yea.

ITEM-330: Barrio Logan Public Facilities Financing Plan Fiscal Year 2007.

(See Barrio Logan Public Facilities Financing Plan Report for June 2007 and Barrio Logan Public Facilities Financing Plan Draft for May 2007. Barrio Logan Community Area. District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1103) CONTINUED TO TUESDAY, JUNE 26, 2007

Approving the Barrio Logan Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the Barrio Logan Community and establishing new Development Impact Fees for all property within the Barrio Logan Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/11/2007, LU&H voted 3 to 0 to approve. (Councilmembers Atkins, Young, and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

Development Impact Fees (DIF) were established in 1987 by the City Council to mitigate the impact of new development in urbanized communities. Fees were based on the facility needs of each community. This plan updated the existing Public Facilities Needs List adopted in 1987.

The draft FY 2007 Barrio Logan Public Facilities Financing Plan describes the public facilities that will be needed for the Barrio Logan Community as it develops according to the Community Plan. Since Barrio Logan is an urbanized community, most of the community facilities and infrastructure are already in place. A majority of the remaining needed facilities are in the categories of transportation, park improvements, a library and a fire station.

The proposed fees reflect the current costs of the facilities identified in the Barrio Logan Community Plan and are necessary to maintain existing levels of service in the community. A summary of the proposed impact fees for Barrio Logan is as follows:

<u>Residential Units</u>		<u>Commercial and Industrial</u>	
Transportation	\$2114 per unit	Transportation	\$302 per trip
Park & Recreation	\$7195 per unit	Fire	\$457 per 1,000 SF of gross bldg area
Library	\$ 434 per unit		
Fire	\$ 457 per unit		
TOTAL FEE	\$10,200 per unit		

The total impact fee for residential development will increase from \$920 to \$10,200 per dwelling unit, primarily due to the adjusted needs and costs for park and recreation facilities. The estimated cost for eligible transportation facilities has increased from \$3,900,000 to \$14,247,200. An increase in the transportation fee from \$51 to \$302 per trip reflects project costs and administrative costs associated with plan reviews, impact fee collection and with financing plan preparation. The estimated cost for park facilities increased from \$780,000 to \$9,753,000, resulting in a fee increase from \$560 to \$7,195. This increase is a more accurate reflection of acreage requirements and costs to meet population based park needs within the community. A Library fee of \$434 per residential unit has been added to cover the community's share of the new Logan Heights Branch Library. A Fire fee has been added to build a new station within the community, that fee is \$457/1000 square feet.

Projected cost for all projects is \$46,108,200. Eligible project costs in the amount of \$30,438,130 will serve as the basis for the development impact fees, which will be collected at the time building permits are issued. Since these costs are for projects which will benefit both the existing community and future development, costs will be shared and new development is only expected to provide their pro-rata share for DIF eligible projects. Those portions of project costs not funded by new development through impact fees will need to be identified by future City Council actions in conjunction with the adoption of Annual Capital Improvements Program Budgets.

Alternative: Do not approve the proposed Financing Plan and Development Impact Fee Schedule. This is not recommended because the new fees will ensure that new development continues to contribute its fair share for facilities identified in the Community Plan.

In the absence of these fees, alternative funding sources would have to be identified to fund new development's share of identified facilities.

FISCAL CONSIDERATION:

Adoption of this financing plan will continue to provide new development's share of funding for the required public facilities.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Barrio Logan Public Facilities Financing Plan was approved by the Land Use & Housing Committee on April 11, 2007.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

Barrio Logan does not currently have a recognized Community Planning Group.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

Developers of new projects on vacant sites will be subject to a higher impact fee than currently exists.

Anderson/Waring

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:28 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, JUNE 26, 2007, TO ALLOW FULL COUNCIL TO BE PRESENT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-331: Appointments and Reappointments to the Mission Bay Park Committee.

(See memorandum from Mayor Sanders dated 5/10/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1127 Cor. Copy 3) ADOPTED AS RESOLUTION R-302726

Confirming the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Mission Bay Park Committee, for terms as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Mike Dukor (Mission Beach, District 2) (Replacing Bob Ottillie, who does not seek reappointment)	At Large	March 1, 2009
Monica Fuentes (Serra Mesa, District 6) (Replacing Ryan Levinson, whose term expired)	Council District 6 Representative	March 1, 2009
Greg Peterson (Mission Beach, District 2) (Replacing, Mike Pallamary, who has resigned)	At Large	March 1, 2009
Bill Bushe Ocean Beach, District 2) (Replacing Mindy Pellessier, whose term expired)	Ocean Beach Planning Board	March 1, 2008
Jim Greene (Pacific Beach, District 2) (Replacing Moshen Khaelghi, whose term expired)	Mission Bay Hotel Lessee Representative	March 1, 2008
Mort McCarthy (County of San Diego) (Replacing Ted Jardine, whose term expired)	Non-Hotel Lessee	March 1, 2008

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Billy Paul (Clairemont, District 6) (Replacing Chris Rink, whose term expired)	Clairemont Mesa Planning Group	March 1, 2008
Karl Jaedtke (Pacific Beach, District 2) (Reappointment)	Council District 2 Representative	March 1, 2009
Judith Swink (Ocean Beach, District 2) (Reappointment)	Council District 2 Representative	March 1, 2009
Richard Miller (North Park, District 3) (Reappointment)	Environmental Organization - Sierra Club	March 1, 2008
Donald Peterson (Pacific Beach, District 2) (Reappointment)	Stakeholder - OBMAC	March 1, 2008
Margaret Pamela Glover (Mission Bay, District 2) (Reappointment)	Mission Beach Precise Planning Board	March 1, 2008

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:26 a.m.)

MOTION BY FAULCONER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Appointments to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Sanders dated 5/18/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1169) ADOPTED AS RESOLUTION R-302727

Confirming the following appointments by the Mayor of the City of San Diego, to serve as members of the San Diego County Water Authority Board of Directors, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Joseph W. Craver (Point Loma, District 2) (Replacing Bernie Rhinerson, who has resigned)	March 7, 2010
Kenneth R. Williams (La Jolla, District 1) (Replacing Benjamin A. Haddad, who has resigned)	July 15, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Appointment of Susan S. Gonick to the San Diego City Employees' Retirement System Board of Administration (SDCERS).

(See memorandum from Mayor Sanders dated 5/7/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1083) ADOPTED AS RESOLUTION R-302728

Confirming, after a full and complete public discussion and deliberation, the appointment by the Mayor of the City of San Diego of Susan S. Gonick, to serve as a member of the San Diego City Employees' Retirement System Board of Administration (SDCERS), for a term as indicated below:

<u>NAME</u>	<u>TERM ENDING</u>
Susan S. Gonick (Downtown San Diego-District 2) (Replacing Richard M. Kipperman, whose term expired)	March 31, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Inviting Bids for the Construction of West Miramar Landfill Phase II – Module E Project.

(Miramar Marine Corps Air Station. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1043) ADOPTED AS RESOLUTION R-302729

Approving the plans and specifications for construction of the West Miramar Landfill Phase II - Module E Project;

Authorizing and directing the Purchasing Agent to publish, in accordance with law, notice to contractors calling for bids for the work described above, in accordance with the plans and specifications referred to above;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a construction contract to, and execute the contract with, the lowest responsible and reliable bidder, for the above West Miramar Landfill Phase II - Module E Project, in an amount not to exceed \$7,290,880; contingent on the City Council's approval of the project's inclusion in the Fiscal Year 2008 Capital Improvement Program budget and Annual Appropriation Ordinance; and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to add CIP-37-056.9, West Miramar Landfill Liner Module E;

Authorizing the City Auditor and Comptroller to transfer the amount of \$9,045,715 within Refuse Disposal Enterprise Fund No. 41201, to CIP-37-056.9, West Miramar Landfill Liner Module E, to be transferred as follows:

\$2,990,000, from CIP-32-024.0, South Miramar Landfill Slopes, of which \$1,500,000 is contingent on the City Council's approval of the Fiscal Year 2008 Capital Improvement Program budget and the Appropriation Ordinance;

\$1,000,000 from CIP-32-010.0, Unclassified Disposal Site Closure;

\$664,000 from CIP-32-019.0, South Miramar Landfill Improvements;

\$300,000 from CIP-32-023.0, South Chollas Landfill Photovoltaic Project; and

\$4,091,715 from main CIP-37-056.0, West Miramar Refuse Disposal Facility Phase II;

Authorizing the expenditure of an amount not to exceed \$9,045,715 from Refuse Disposal Enterprise Fund No. 41201, CIP 37-056.9, West Miramar Landfill Liner Module E, solely and exclusively to provide funds for the above project construction, contingency, and related costs, of which \$1,500,000 is contingent on the City Council's approval of the Fiscal Year 2008 Capital Improvement Program budget and the Annual Appropriation Ordinance; and provided that the City Auditor and Comptroller furnishes one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring that the above activity is not a separate project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c) because this activity is a subsequent discretionary approval of a project which was adequately addressed in Negative Declaration DEP No. 95-0272, which was reviewed and considered by the City Council, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

STAFF SUPPORTING INFORMATION:

The 801 acre West Miramar Landfill Refuse Disposal Facility is located east of I-805, south of the United States Marine Corps' Miramar Air Station, and north of State Route 52. The Environmental Services Department operates the Miramar Landfill under a lease from the United States of America which is administered by the United States Navy. Landfilling operations began in 1982 and are scheduled to continue through 2011 or later.

In 1991, Congress passed the Resource Conservation and Recovery Act (RCRA). A portion of the act (Part 257-258, 40 CFR) referred to as "Subtitle D" affects all landfills accepting municipal solid waste after October 9, 1993, by requiring the installation of composite liners. The purpose of this action is to approve plans and specifications, authorize the transfer and expenditure of funds required to construct the Federally mandated improvements for Module E, and authorize the Mayor, or his designee, to advertise for bids, and subsequently award and execute a contract with the lowest responsible and reliable bidder. The improvements to be constructed include a composite liner system and leachate collection system. This will be the sixth of six (6) modules for the West Miramar Landfill Phase II location.

FISCAL CONSIDERATIONS:

The total estimated cost for the West Miramar Refuse Disposal Facility Phase II - Module E project is \$9,045,715. The estimated construction cost of the West Miramar Refuse Disposal Facility Phase II - Module E is \$7,290,800. The remaining \$1,754,915 is for related costs. An amount of \$4,954,000 is being requested to be transferred from various other CIP projects within the Environmental Services Enterprise Fund 41201. Of these monies, \$1,500,000 is available contingent upon the passage of the FY 08 Capital Improvement Program Budget and the Appropriation Ordinance. The remaining \$4,091,715 is being requested to be transferred from the West Miramar Refuse Disposal Facility Phase II project within the Environmental Services Enterprise Fund 41201.

Due to the tremendous increase in the cost of geosynthetics (driven by oil prices) and construction in general, the following transfers need to occur to adequately fund this regulatory required, mandated project:

- The largest portion of this transfer will be \$2,990,000 from CIP-32-024.0, South Miramar Landfill Slopes Project. The schedule for this project will be delayed and the project will be re-funded in future years;
- An additional \$1,000,000 will be transferred from CIP-32-010.0, Unclassified Disposal Site Closure. This project is substantially completed and this amount is excess to project needs;
- The \$664,000 being transferred from CIP-32-019.0, South Miramar Landfill Improvements is a successfully completed project that no longer requires funding; and
- The final \$300,000 is from CIP-32-023.0, Chollas Photovoltaic Project. Negotiations are currently underway with a privatizer to completely fund (permit, construct and operate) this project with no expenditures from the City.
- The transfer of \$4,091,715 from CIP-37-056.0. is a continuing appropriation from prior projects within this CIP that are substantially completed.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council certified DEP No. 91-0653 AND approved the Miramar Landfill Development Plan on December 5, 1994 as Resolution Numbers R-285061 and R-285063, respectively. This construction project conforms to these documents and is totally within designated landfill areas.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None. There are no known groups expressing either support or opposition to this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens of San Diego; Waste Haulers; Bryan A. Stirrat & Associates, Landfill Design Consultant.

Heap/Haas

Aud. Cert. 2700758.

Staff: Kip Sturdevan - (858) 573-1214
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: W.O.

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:45 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-335: Initiation of Amendments to the Navajo and Tierrasanta Community Plans for Subareas A and B of the Grantville Redevelopment Project Area.

(Navajo and Tierrasanta Community Plan Areas. District 7.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1079) ADOPTED AS RESOLUTION R-302730

Initiating the amendment to the Progress Guide and General Plan to incorporate the plan amendment for Subareas A and B of the Grantville Redevelopment Project Area for the preparation of a comprehensive master plan that addresses land use, circulation, parks and open spaces, public facilities and urban design.

SUPPORTING INFORMATION:

The Grantville area of the Navajo and Tierrasanta communities was established as a Redevelopment Project Area in May, 2005. The redevelopment area consists of three Subareas A, B and C. For the purposes of developing a long-range plan for the redevelopment area, staff recommends focusing on plan preparation and implementation for Subareas A and B, only. Successful revitalization of the Grantville area requires a comprehensive approach to planning. The development of a master plan would ensure that the full range of plan development and implementation issues related to community revitalization in the Grantville area are analyzed. A master planning process would evaluate:

- Determination of future land uses and intensities of commercial, residential and industrial uses (including the potential for retention of existing industrial uses in the area)
- The provision of adequate infrastructure
- Improvements to traffic circulation
- The potential need for additional local serving streets.
- Transit-oriented development around the Grantville trolley station
- Ensuring successful connections to and from the trolley station to the community
- Creating linkages to San Diego State University
- The San Diego River as a public open space amenity
- Strategy for financing and developing public facilities such as parks, libraries, police, and fire facilities
- Development of design guidelines to ensure the implementation of high quality architecture, site planning and urban design in projects

The plan amendment initiation process is identified in Section 122.0103(a) of the Land Development Code, which states that the City Council may initiate an amendment to a land use plan by adopting a resolution. The plan amendment would address land use, circulation, parks and open space, public facilities and urban design through the preparation of a comprehensive master plan for Subareas A and B of the Grantville Redevelopment Project Area.

FISCAL CONSIDERATIONS:

Funding for the planning effort in Subarea A would come from Community Development Block Grant (CDBG) funds appropriated through Council District 7. The CDBG funds can be used for planning purposes within non-qualifying areas such as Grantville. In addition, it is expected that

the redevelopment project area would be able to contribute \$150,000. Agency funds would not be available until the validation action is resolved and the current trial date for this is June 2007.

The cost associated with processing the community plan amendment for Subarea B will be paid for by Superior Ready Mix. Of the 395 acres within Subarea B, 370 acres are owned by Superior Ready Mix. For Subarea B, Superior Ready Mix is prepared to submit a development project application and open a deposit account through the Development Services Department (DSD).

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

An initial public information meeting was held on December 4, 2005 to share ideas with community groups and interested citizens and property owners.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

The Navajo and Tierrasanta Community Planning Groups, business and property owners in the Grantville area, and interested citizens. The projected impacts are unknown at this time but will be discovered during the environmental analysis phase of the work program, if initiated.

Wilson/Faucett

FILE LOCATION: Land – Navajo & Tierrasanta Community Plan Area (10)

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:55 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: Approval of the Issuance of 2007 Tax Allocation Bonds, Notes or Loans in the Total Amount of \$42,000,000 to Finance and Refinance Portions of the Costs of Three Redevelopment Projects.

(See Southeastern Economic Development Corporation Report SEDC-07-004 and Independent Budget Analyst Report No. 07-51. Southeastern San Diego Community Area. Districts 4 and 8.)

(Continued from the meetings of May 15, 2007, Item 331, and May 22, 2007, Item S501, last continued at the request of staff, for further review.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1075) ADOPTED AS RESOLUTION R-302735

Approving the issuance and sale by the Redevelopment Agency of the City of San Diego of Tax Allocation Bonds, notes or loans in one or more series to finance and refinance portions of the costs of three Redevelopment Projects in the City of San Diego known as the Southcrest Redevelopment Project, the Central Imperial Redevelopment Project, and the Mount Hope Redevelopment Project; subordinating certain payments therefrom; and approving related matters.

NOTE: See the Redevelopment Agency Agenda of June 12, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:21 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-not present.

ITEM-337: Three actions related to Greater Golden Hill Maintenance Assessment District.

(Greater Golden Hill Maintenance Assessment District Community Area.
Districts 3 and 8).

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1156 Cor. Copy) ADOPTED AS RESOLUTION R-302731

Resolution of Intention to form the Greater Golden Hill Maintenance Assessment District and to levy and collect Fiscal Year 2008 Annual Assessments on the Greater Golden Hill Maintenance Assessment District.

Subitem-B: (R-2007-1157)

ADOPTED AS RESOLUTION R-302732

Initiating proceedings for the formation of the Greater Golden Hill Maintenance Assessment District.

Subitem-C: (R-2007-1158)

ADOPTED AS RESOLUTION R-302733

Approving the Engineer's Report submitted in connection with the proposed formation of the Greater Golden Hill Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The City Council is being asked to authorize the following actions by resolution:

1. Propose the formation of the Greater Golden Hill Maintenance Assessment District; and Preliminarily approving the Engineer Report.
2. Authorize the intention to levy and collect assessments for Fiscal Year 2008, establish the maximum authorized assessments, and set maximum assessment indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U) not to exceed 5%.
3. Authorize the mailing of ballots to all property owners subject to assessment.
4. Establish the time and place for a public hearing to count ballots; and

Upon affirmative findings at the public hearing on July 30, 2007

5. Authorize the consideration of protests, ordering the formation of the District, approve the Assessment Engineer's Report, confirm assessments, and order the improvements, maintenance, and/or services.
6. Approving the annual budget for the Greater Golden Hill Maintenance Assessment District in Fiscal Year 2008.
7. Authorize the City Auditor and Comptroller to establish an interest-bearing fund for the District.
8. If a weighted majority of returned ballots opened following the public hearing select the Greater Golden Hill Community Development Corporation, a non-profit Section 501(c)(3) organization, to administer the contracts for goods and services, authorize the Mayor or his designee to negotiate a contract with the Greater Golden Hill Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214.

STAFF RECOMMENDATION:

Approve the requested actions listed above.

EXECUTIVE SUMMARY:

Recent efforts to form a potential Maintenance Assessment District in the Greater Golden Hill community began in early 2006 when the Greater Golden Hill Community Development Corporation (GGHCDC) received Community Development Block Grant (CDBG) Funds from Council Offices to explore the possible formation of a MAD. In the fall of 2006, the GGHCDC held two (2) community meetings open to residents and to the public. Public notices of these meetings were distributed and posted within the community. Nearly 100 residents attended these two community meetings. The purpose of these two (2) community meetings was to seek community input on how to make the Greater Golden Hill area safer and cleaner. Property owners and residents told the GGH CDC that they supported forming a MAD to fund services to make Greater Golden Hills cleaner, safer & greener. The public workshops resulted in the GGHCDC generating two (2) public mailings and surveys to gauge support for a potential Maintenance Assessment District among the 3,550 Greater Golden Hill property owners. Of the 650 surveys returned to date by property owners, support was expressed by 75% of property owners for forming a MAD in Greater Golden Hill. Extensive input was received from property owners who would be impacted by the proposed District as to the scope of and frequency of services desired within the community.

The GGHCDC's outreach efforts included: 1) two noticed public workshops; 2) mail surveys to all property owners who would be impacted by the proposed assessment; 3) personal visits and telephone calls with property owners; 4) e-mail notices to impacted property owners.

Additional public outreach was made by Greater Golden Hill CDC Board members who appeared under public comments before the Greater Golden Hill Planning Committee at its meeting of Tuesday, March 11, 2007 to update Planning Group members on the survey mailings and possible MAD formation efforts. A more detailed informational presentation on the potential formation of a MAD was made before the Greater Golden Hill Planning Committee at its regularly scheduled monthly meeting of Tuesday, April 11, 2007. Additional community meetings and informational mailings will be made by the Greater Golden Hill CDC over the coming months to contact each and every property owner prior to and during the public balloting period.

The City staff has retained SCI Consulting Group to prepare an Engineer's Report for the requested District. This report summarizes the proposed district, describes requested services/associated costs, provides an assessment diagram and apportions property owner assessments based on the level of benefit received. District proponents had the opportunity to review and comment on the Engineer's Report.

The City Council is being asked to authorize the eight (8) requested actions cited above, with authorizations for actions 5 through 8 contingent upon affirmative findings at the public hearing scheduled for July 30, 2007. If the City Council approves the requested actions, ballots describing the proposed district and the associated assessments will be mailed to all property owners of record within the proposed district boundaries. Property owners can mail or deliver the ballots to the City Clerk.

Interested parties may comment at the July 30, 2007 public hearing regarding the proposed District. Ballots will be counted at the conclusion of the hearing. If a majority of property owners support formation of the District in accordance with State law, the City Council has the discretion to establish the District and levy assessments beginning in Fiscal Year 2008 as described in the Assessment Engineer's Report.

FISCAL CONSIDERATIONS:

The annual assessment for City owned property will be \$35,160.29. Approximately \$488,890 will be assessed and collected in the Greater Golden Hill Maintenance Assessment District in FY 2008 ranging from \$36.03 to \$9,594.68 per parcel. The proposed assessments will fund an increased level of enhanced services within the District boundaries. If the District is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget.

	<u>FY 07-08</u>	<u>Maximum Authorized</u>
REVENUES		
Assessments	\$488,890	\$488,890
Interest	<u>\$0</u>	<u>\$0</u>
TOTAL REVENUES	<u>\$488,890</u>	<u>\$488,890</u>
 ACTIVITIES AND SERVICES EXPENSES		
Personnel	\$0	\$0
Contractual	\$326,500	\$326,500
Utilities	\$5,000	\$ 5,000
Incidentals/Administration	\$136,340	\$136,340
Contingency Reserve	<u>\$21,050</u>	<u>\$ 21,050</u>
TOTAL EXPENSES	<u>\$488,890</u>	<u>\$488,890</u>
BALANCE	<u>\$0</u>	<u>\$0</u>

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

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COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The outreach efforts include: 1) two noticed public workshops; 2) mail surveys to all property owners who would be impacted by the proposed assessment; 3) personal visits and telephone calls with property owners; 4) e-mail notices to impacted property owners.

Additional public outreach was made by Greater Golden Hill CDC Board members who appeared under public comments before the Greater Golden Hill Planning Committee at its meeting of Tuesday, March 11, 2007 to update Planning Group members on the survey mailings and possible MAD formation efforts. A more detailed informational presentation on the potential formation of a MAD was made before the Greater Golden Hill Planning Committee at its regularly scheduled monthly meeting of Tuesday, April 11, 2007. Additional community meetings and informational mailings will be made by the Greater Golden Hill CDC over the coming months to contact each and every property owner prior to and during the public balloting period.

Upon preliminary approval of the Engineer's report by the City Council, notices/ballots will be prepared and mailed to all property owners of the District who will ultimately vote whether or not they support the formation of the District. Property owners will also vote whether the Greater Golden Hill Community Development Corporation, a non-profit, Section 501(c)(3) organization, or the City should administer the contracts for goods and services for the District.

If this action is approved, a public hearing will be scheduled where public testimony will be heard by the City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS :

Key stakeholders include the Greater Golden Hill business community, property owners and residents within the contemplated district. The Greater Golden Hill Community Development Corporation will manage the District if approved by property owner ballot.

Kessler/Waring/LO

Staff: Luis Ojeda – (619) 236-6475
Elizabeth Coleman - Deputy City Attorney

FILE LOCATION: STRT-M-418 FY2008 (34)

COUNCIL ACTION: (Time duration: 11:11 – 11:36 a.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-recused, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-338: Core District Streetlights Phase II Project - Request to Bid the Installation of Streetlights - Core Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project and Request to Bid the Installation of Litter Receptacles in the East Village Redevelopment District of the Expansion Sub Area and the Columbia and Marina Sub Areas of the Centre City Redevelopment Project.

(See Centre City Development Corporation Report CCDC-07-18/CCDC-07-08. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1080) ADOPTED AS RESOLUTION R-302736

Finding and determining that the installation of streetlights and litter receptacles for which the Agency proposes to pay is of benefit to the Project Area; and

Finding and determining that no other reasonable means for financing the Project is available; and

Finding and determining that the Project will assist in eliminating one or more blighting conditions inside the Project Area, and that the Project is consistent with the Centre City and Horton Implementation Plans for July 2004-2009, on file in the Office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490. All of the above findings are more fully described in Attachment A hereto.

SUPPORTING INFORMATION:

The Project is the last of a two-phase program to update and install streetlights in the Core Redevelopment District. The Project calls for the installation of 110 new streetlights and the retrofitting of 16 streetlights. Older lights in poor condition will be replaced and existing high voltage wiring will be converted to safer low voltage circuits. The installation of 215 new litter receptacles and the removal of 150 litter receptacles is a component of this project.

FISCAL CONSIDERATIONS:

Funds are available in the amount of \$1,431,000 in the Fiscal Year 2007 Columbia/Core Redevelopment District Budget for Public Improvements and in the Areawide - Public Infrastructure.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On March 28, 2007, the Corporation Board approved this item unanimously.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Project is the last of a two-phase program and the first phase was widely praised by businesses and by the Downtown San Diego Partnership as a catalyst in dramatically changing the landscape of the Core District to becoming a safer place to live, work and visit. The installation of litter receptacles has been discussed by staff to the East Village Association and at numerous Downtown Partnership meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders for the project are businesses and residents located in the Project Area along with visitors of downtown.

Anderson/Graham/Diekman

NOTE: See the Redevelopment Agency Agenda of June 12, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:35 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-339: Two actions related to Cortez Hill Family Center Phase Two Request to Bid Construction Cortez Redevelopment District of the Expansion Sub Area of the Centre Redevelopment Project.

(See Centre City Development Corporation Report No. CCDC-07-13/
CCDC-07-07. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1086) ADOPTED AS RESOLUTION R-302737

Authorizing the transfer of \$150,753 from City Fund No. 10249 to Redevelopment Agency Fund No. 98881 for construction of the Phase Two Project;

Finding and determining that the construction of the on-site and off-site improvements in the Cortez Redevelopment District for which the Agency proposes to pay are of benefit to the Project Area, that it finds and determines that no other reasonable means for financing the proposed construction for which the Agency proposes to pay is available to the community, and that it finds and determines that the proposed construction will assist in eliminating blighting conditions inside the Project Area;

Finding and determining that the construction of said on-site and off-site improvements are consistent with the Implementation Plan adopted for the Project Area by the Agency on June 21, 1994, as Document No. 2141, pursuant to California Health and Safety Code Section 33490. All of the above findings are more fully described in Attachment A hereto;

Consenting to the payment by the Agency for all of the costs of the construction identified above.;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency;

Declaring that the total amount for the contract and agreement shall not exceed Four Million One Hundred Thousand Dollars (\$4,100,000).

Subitem-B: (R-2007-1087) ADOPTED AS RESOLUTION R-302738

Stating for the record that the information contained in the EA/IS, and FONSI/ND, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of NEPA and CEQA would warrant any additional environmental review in connection with approval of construction of the Cortez Hill Family Center Project (Phase Two).

SUPPORTING INFORMATION:

In 2001, the City of San Diego acquired a former Days Inn Motel located at 1449 Ninth Avenue in the Cortez Hill neighborhood to create a transitional housing facility for up to 150 persons. The converted motel has no dining facility or playground space for the families. To address some inadequacies on the site, the Development Permit issued by the Corporation in 2001 required that the City construct a new two-story building in the former motel pool area to include multi-purpose rooms, dining facilities, children's play areas, staff offices/conference rooms and new resident processing areas. In December 2004, the City's Community and Economic Development Department requested that the Corporation take over project management responsibility for the Project as City staff was unable to complete the project due to inadequate staffing and budget levels. The Project will provide much-needed amenities to the residents and will fulfill a promise to neighborhood property owners, developers and residents who supported the development.

FISCAL CONSIDERATIONS:

The total estimated construction cost of the Project is approximately \$4,100,000. Funds are available in the amount of \$4,100,000 in the Fiscal Year 2007 Centre City Low and Moderate Income Housing Fund.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On March 28, 2007, the Corporation Board of Directors unanimously approved the item.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Project updates have been provided to the Centre City Advisory Committee (the "CCAC"), the Cortez Hill Residents' Group, and the Corporation Board and Committees at various points in the project development. Support is strong, especially from the affordable housing community. The Cortez Hill community is anxious to have this project completed, which will fulfill the commitment made by the City in 2001.

Royal/Graham/Yee

NOTE: See the Redevelopment Agency Agenda of June 12, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.

ITEM-340: Promenade at Rio Vista Tentative Map, Project No. 105158.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development and c/o Cory J. Briggs, Briggs Law Corporation, concerning the determination by City staff that the request to convert 970 existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA). The 15.67-acre site is located at 8405 Rio San Diego Drive in the MV-M/SP Zone of Mission Valley Planned District, the First San Diego River Improvement Project area, and the Rio Vista West Specific Plan area, within the Mission Valley Community Plan Area.

It should be noted that the decision of whether to approve or deny the above referenced Tentative Map will be made at a future hearing. That hearing will be publicly noticed in accordance with the San Diego Municipal Code. The purpose of this appeal hearing is only to consider the matter of the environmental determination.

(See Report to the City Council No. 07-101. Mission Valley Community Plan Area. District 6.)

(R-2007-1249) DENIED THE APPEAL AND UPHELD THE ENVIRONMENTAL DETERMINATION; ADOPTED AS RESOLUTION R-302739

According to the San Diego Municipal Code Section 112.0520, the City Council shall consider the appeal and shall, by a majority vote:

- 1) Deny the appeal, uphold the *environmental determination* and adopt the CEQA findings of the previous decision-maker, where appropriate; or
- 2) Grant the appeal and make a superceding *environmental determination* or CEQA findings; or
- 3) Grant the appeal, set aside the *environmental determination*, and remand the matter to the previous decision-maker, in accordance with Section 112.0520, to reconsider the *environmental determination* that incorporates any direction or instruction the City Council deems appropriate.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Affirm the Development Services Department's environmental determination of exemption prepared for the two tentative maps for condominium conversions within the Carmel Valley and Mission Valley Community Plan areas. The projects are known as Signature Point Tentative Map (Project No. 120250) and Promenade at Rio Vista Tentative Map (Project No. 105158).

STAFF RECOMMENDATIONS:

1. **Deny** the appeals and uphold the Environmental Determinations.
2. Make an express finding that the information provided by the appellant and his experts should be excluded from the record because it is argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

EXECUTIVE SUMMARY:

Note that these are two condominium conversion appeals similar to the batches of 76 such appeals heard and denied by the City Council on July 31, 2006, and the 18 such appeals heard and denied by the City Council on March 20, 2007. These two appeals were filed after the public noticing of the March 20, 2007, appeals, and were therefore not included within that batch. Accordingly, the Executive Summary, Staff Report, and Attachments are nearly identical to those already provided in the prior hearing.

Denial of the appeals would allow the applicants to continue processing their Tentative Map requests through the discretionary hearing process.

Basis for Appeal: The appellant's form-letter appeal generally states: "The determination that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) is wrong. The project does not qualify for exemption under the CEQA Guidelines. Furthermore, the project does not qualify for exemption under the CEQA Guidelines based on exceptions to exemption arising from the cumulative and other potentially significant adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing."

Staff Response: Staff conducted the initial reviews of the proposed Tentative Maps in accordance with the process set forth in Sections 15060 and 15061 of the California Environmental Quality Act (CEQA) Guidelines and determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines, and using the City's CEQA Significance Thresholds. Several issues were considered during the reviews, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions.

To date, no substantial evidence has been identified by or presented to staff that would support a fair argument that these particular condominium conversions could result in significant physical impacts on the environment, either singly or cumulatively. Staff therefore determined that the projects would not result in a direct or reasonably foreseeable indirect physical change in the environment. City staff have determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and these determinations were appealed to the City Council by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. The individual dates of environmental determinations and appeals are listed in the table in Attachment 1.

Staff agrees that limited availability of affordable housing in the City of San Diego is an issue of concern. However, the concerns with condominium conversions are policy issues within the purview of City Council. Revisions to appropriate policies and regulations are a better and more direct way to address the concerns raised by the Land Use and Housing Committee about condominium conversions. Significant revisions to the Condominium Conversion regulations were unanimously approved by the City Council on January 24, 2006 and June 13, 2006. While

staff did evaluate the potential for physical impacts related to condominium conversions, it should be noted that the burden of proving that a categorical exemption has been inappropriately applied is on the appellant. The appellant has not proved his argument. The subject projects do not include any physical changes in the environment that would not otherwise be exempt, or any intensification of use. There is no evidence that any growth inducement or cumulative impacts would result.

FISCAL CONSIDERATIONS:

Due to this general single-issue, staff has consolidated the format in this one appeal request. The processing of each individual project to a decision will be charged to a deposit account established by the applicant. Should the City Council remand the matter back to the Development Services Department, or direct a Program Environmental Impact Report be prepared, significant costs could be incurred.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

These same types of appeals were scheduled before the City Council on July 31, 2006. On that date, there were 76 appeals scheduled; the City Council concurred with staff and denied all 76 of the appellant's appeals. Furthermore, a second batch of these same types of appeals were scheduled before the City Council on March 20, 2007. On that date, there were 18 appeals scheduled; the City Council concurred with staff and denied all 18 of the appellant's appeals.

Planning Commission Decision: The Planning Commission has not acted on this issue of the appeals of the environmental determinations of exemption for condominium conversions.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The issue of the appeal of the environmental determination has not been presented to community planning groups.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Please reference the attached spreadsheet for property owners. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.

Waring/Escobar-Eck/MB

Staff: Martha Blake – (619)446-5375
Karen Heumann – Deputy City Attorney

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NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:08 p.m. – 5:12 p.m.)

Testimony in opposition by Joy Sunyata, Richard Schulman, and Joiel Roth.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION DENYING THE APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-not present.

ITEM-341: Signature Pointe Tentative Map, Project No. 120250.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development and c/o Cory J. Briggs, Briggs Law Corporation, concerning the determination by City staff that the request to convert 261 existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA). The 16.70-acre site is located at 13008 Signature Point in the MF-3 Zone of Carmel Valley Planned District, within the Carmel Valley Community Plan Area.

It should be noted that the decision of whether to approve or deny the above referenced Tentative Map will be made at a future hearing. That hearing will be publicly noticed in accordance with the San Diego Municipal Code. The purpose of this appeal hearing is only to consider the matter of the environmental determination.

(See Report to the City Council No. 07-101. Carmel Valley Community Plan Area. District 1.)

(R-2007-1250) DENIED THE APPEAL AND UPHELD THE ENVIRONMENTAL DETERMINATION; ADOPTED AS RESOLUTION R-302740

According to the San Diego Municipal Code Section 112.0520, the City Council shall consider the appeal and shall, by a majority vote:

- 1) Deny the appeal, uphold the *environmental determination* and adopt the CEQA findings of the previous decision-maker, where appropriate; or
- 2) Grant the appeal and make a superceding *environmental determination* or CEQA findings; or
- 3) Grant the appeal, set aside the *environmental determination*, and remand the matter to the previous decision-maker, in accordance with Section 112.0520, to reconsider the *environmental determination* that incorporates any direction or instruction the City Council deems appropriate.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Affirm the Development Services Department's environmental determination of exemption prepared for the two tentative maps for condominium conversions within the Carmel Valley and Mission Valley Community Plan areas. The projects are known as Signature Point Tentative Map (Project No. 120250) and Promenade at Rio Vista Tentative Map (Project No. 105158).

STAFF RECOMMENDATIONS:

1. **Deny** the appeals and uphold the Environmental Determinations.
2. Make an express finding that the information provided by the appellant and his experts should be excluded from the record because it is argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

EXECUTIVE SUMMARY:

Note that these are two condominium conversion appeals similar to the batches of 76 such appeals heard and denied by the City Council on July 31, 2006, and the 18 such appeals heard and denied by the City Council on March 20, 2007. These two appeals were filed after the public noticing of the March 20, 2007, appeals, and were therefore not included within that batch. Accordingly, the Executive Summary, Staff Report, and Attachments are nearly identical to those already provided in the prior hearing.

Denial of the appeals would allow the applicants to continue processing their Tentative Map requests through the discretionary hearing process.

Basis for Appeal: The appellant's form-letter appeal generally states: "The determination that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) is wrong. The project does not qualify for exemption under the CEQA Guidelines. Furthermore, the project does not qualify for exemption under the CEQA Guidelines based on exceptions to exemption arising from the cumulative and other potentially significant adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing."

Staff Response: Staff conducted the initial reviews of the proposed Tentative Maps in accordance with the process set forth in Sections 15060 and 15061 of the California Environmental Quality Act (CEQA) Guidelines and determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines, and using the City's CEQA Significance Thresholds. Several issues were considered during the reviews, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions.

To date, no substantial evidence has been identified by or presented to staff that would support a fair argument that these particular condominium conversions could result in significant physical impacts on the environment, either singly or cumulatively. Staff therefore determined that the projects would not result in a direct or reasonably foreseeable indirect physical change in the environment. City staff have determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and these determinations were appealed to the City Council by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. The individual dates of environmental determinations and appeals are listed in the table in Attachment 1.

Staff agrees that limited availability of affordable housing in the City of San Diego is an issue of concern. However, the concerns with condominium conversions are policy issues within the purview of City Council. Revisions to appropriate policies and regulations are a better and more direct way to address the concerns raised by the Land Use and Housing Committee about condominium conversions. Significant revisions to the Condominium Conversion regulations were unanimously approved by the City Council on January 24, 2006 and June 13, 2006. While

staff did evaluate the potential for physical impacts related to condominium conversions, it should be noted that the burden of proving that a categorical exemption has been inappropriately applied is on the appellant. The appellant has not proved his argument. The subject projects do not include any physical changes in the environment that would not otherwise be exempt, or any intensification of use. There is no evidence that any growth inducement or cumulative impacts would result.

FISCAL CONSIDERATIONS:

Due to this general single-issue, staff has consolidated the format in this one appeal request. The processing of each individual project to a decision will be charged to a deposit account established by the applicant. Should the City Council remand the matter back to the Development Services Department, or direct a Program Environmental Impact Report be prepared, significant costs could be incurred.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

These same types of appeals were scheduled before the City Council on July 31, 2006. On that date, there were 76 appeals scheduled; the City Council concurred with staff and denied all 76 of the appellant's appeals. Furthermore, a second batch of these same types of appeals were scheduled before the City Council on March 20, 2007. On that date, there were 18 appeals scheduled; the City Council concurred with staff and denied all 18 of the appellant's appeals.

Planning Commission Decision: The Planning Commission has not acted on this issue of the appeals of the environmental determinations of exemption for condominium conversions.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The issue of the appeal of the environmental determination has not been presented to community planning groups.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Please reference the attached spreadsheet for property owners. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.

Waring/Escobar-Eck/MB

Staff: Martha Blake – (619)446-5375
Karen Heumann – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:12 p.m. – 5:17 p.m.)

Testimony in opposition by Joy Sunyata.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION DENYING THE APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-not present.

ITEM-342: Ordinance Amending Condominium Conversion Regulations.

To consider ordinances amending Chapter 14, Article 4, Division 5 of the Land Development Code regarding condominium conversions. The amendment addresses limitations on the number of dwelling units to be processed as condominium conversions in a year, conditions under which specified improvements can be deferred, and other related modifications.

The proposed amendments to the Land Development Code constitute an amendment to City of San Diego's Local Coastal Program (LCP) and must be certified by the California Coastal Commission to be effective in the Coastal Overlay Zone. The LCP amendment will not become effective within the Coastal Overlay Zone until unconditionally certified by the California Coastal Commission. If you wish to be noticed of the Coastal Commission hearing on this issue, prior to the close of the City Council public hearing, you must submit a request in writing to City of San Diego, Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101, Attention: Dan Joyce.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; and introduce the ordinance in Subitem C:

Subitem-A: (R-2007-1013) CONTINUED TO TUESDAY, JULY 24, 2007

Adoption of a Resolution of the Council of the City of San Diego adopting the settlement agreement reached between the petitioners and the City in the four condominiums conversion lawsuits.

Subitem-B: (R-2007-1164) CONTINUED TO TUESDAY, JULY 24, 2007

Adoption of a Resolution stating for the record that the amendments to the Land Development Code by Ordinance Number O-_____ are a subsequent discretionary approval of the Project addressed in Environmental Impact Report No. 96-0333, and therefore this action is not a separate project under CEQA Guideline Sections 15060(c)(3);

Stating for the record that the information contained in the Environmental Impact Report No. 96-0333, Addendum to EIR No. 96-0333, and Environmental Impact Report Addendum No. 100693, including any comments received during the public review process, have been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the amendments to the Land Development Code by Ordinance Number O-_____, do not involve any new direct, indirect, cumulative impacts, substantial changes, or new information of substantial importance that would warrant any additional environmental review, new CEQA findings, or a Statement of Overriding Consideration.

Subitem-C: (O-2007-132) CONTINUED TO TUESDAY, JULY 24, 2007

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 14, Article 4, Division 5 of the San Diego Municipal Code by amending Sections 144.0501, 144.0503, and 144.0507; And adding Sections 144.0506, 144.0510, and 144.0511; All relating to condominium conversion regulations.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Adopt and implement the Settlement Agreement in Citizens for Responsible Equitable Environmental Development v. City of San Diego Superior Court Case No. GIC871259; Affordable Housing Coalition of San Diego County, et al. v. City of San Diego, et al., Court of Appeal Case No. D049665 (Superior Court Case No. 857723); Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego, et al., Court of Appeal Case No. D049637 (Superior Court Case No. GIC858098); and Citizens for Responsible Equitable Environmental Development, et al., v. City of San Diego Superior Court Case No. GIC876017 by considering three amendments to the Condominium Conversion Regulations.

STAFF RECOMMENDATION:

Adopt the resolutions.

EXECUTIVE SUMMARY:

On March 27, 2007, the City Council entered into a Settlement Agreement which requires the Council to docket amendments of the Condominium Conversion Regulations for consideration at a public hearing.

The amendments include (1) a prohibition on the conversion of more than 1,000 rental housing units to condominiums per calendar year, (2) a requirement that City, prior to approval of any application for the conversion of rental housing units to condominiums, survey the tenants of the units and issue an annual report on the results of the surveys, and (3) a provision allowing the approval of a final subdivision map, notwithstanding that fact that certain required improvements have not yet been completed, provided that a certified copy of a recorded covenant and restriction has been provided to the City which ensures completion of such improvements will be made prior to sale of a unit. If the City Council adopts the amendments, the Petitioner will dismiss Affordable Housing Coalition of San Diego County, et al. v. City of San Diego, et al., Court of Appeal Case No. D049665 (Superior Court Case No. 857723), will accept \$75,000 as attorneys fees, and will not seek fees from the City in any of the other matters.

FISCAL CONSIDERATIONS:

If the amendments are adopted, the Settlement Agreement in the above-referenced matters limits the amount of attorneys' fees to be paid to petitioner to \$75,000. This eviscerates the risk of a vastly higher fee award if petitions were to prevail in these matters and substantially reduces the amount of resources necessary to defend these actions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council authorized the approval of a settlement agreement in Closed Session on March 27, 2007, by allowing the following vote: The motion was made by Councilmember Donna Frye with a second by Councilmember Toni Atkins. It passed 6 to 0 with Council President Scott Peters and Council President Pro Tem Tony Young absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Before the City and the Petitioners entered into the above-referenced Settlement Agreement, all parties to the lawsuits as well as some non-parties who have interests in condominium conversions generally were involved in settlement discussions. When global negotiations failed, the City and the Petitioners entered into a Settlement Agreement. Subsequently, many of the condominium converters who were parties to one or more of the lawsuits entered into a separate Settlement Agreement with the Petitioners.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

If these amendments are adopted, the number of tenants displaced by condominium conversions will be significantly reduced.

Furthermore, the City will significantly reduce its potential liability for past and future approvals of condominium conversions by the use of the existing facilities exemption to the California Environmental Quality Act and will avoid the need to expend substantial City resources opposing the lawsuits.

Aud. Cert. 2700797.

Heumann/MRD

NOTE: This activity is covered under Environmental Impact Report No. 96-0333, as well as addendums to that EIR. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately cover this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

Staff: Dan Joyce – (619) 446-5388
Malinda R. Dickenson – Deputy City Attorney

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FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:31 p.m. – 5:01 p.m.)

Testimony in Opposition by Matt Adams, Rafael Muilenburg, and Chris Christensen.

Testimony in Favor by Joy Sunyata, Michelle Krug, Cory Briggs, Theresa Quiroz, Gregg Robinson, Rocky Neptun, Richard Lawrence, Ann Menasche, Donald Davis, Ardelle Matthews, Arlen Shire, Linda Hermanson, Jewell Hooper, Mary Jo O'Brien, Connie Soucy, Stephen Whitburn, Kathleen MacLeod, Betty Bacon, Katheryn Rhodes, and Kathy Evans-Calderwood.

MOTION BY FRYE TO CONTINUE TO TUESDAY, JULY 24, 2007, TO ALLOW FULL COUNCIL TO BE PRESENT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-not present.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:03 a.m.)

NON-DOCKET ITEMS:

None.

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ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:19 p.m. in honor of the memory of:

Helen Cushman as requested by Council Member Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:17 p.m. - 5:19 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 18, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:04 p.m. Council President Peters recessed the meeting at 3:04 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:12 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 4:04 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-not present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Ray Regino of Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschien.

FILE LOCATION: MINUTES

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CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *Friends of Rose Canyon et al v. City of San Diego*
SDSC No. GIC 874140 and

Las Palmas Condominium Owners' Association et al v. City of San Diego
SDSC No. GIC 872000

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 19, 2007

DCA Assigned: C. Brock

The above lawsuits arises from the City Council's certification of the Environmental Impact Report ("EIR") for the University City North/South Transpiration Corridor Study, Project No. 27445 ("Project") and the Council's legislative decision to approve the implementation of the Regents Road Bridge Alternative and initiate an amendment to the University City Community Plan. The City Council adopted clarifying resolution R-302497 in March 2007. As a result, petitioners have submitted a final settlement proposal for consideration by the City Council. The City Attorney's office and outside counsel, Kevin P. Sullivan, Esq., will discuss case settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

Council President Peters closed the hearing.

CS-2 *Valerie O'Sullivan v. City of San Diego*
San Diego Superior Court Case No. GIC 826918

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 19, 2007

DCA Assigned: G. Schaefer

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This matter involves a lawsuit filed against the City of San Diego over the joint use by humans and seals of Children's Pool Beach in La Jolla. Following a court trial, a Superior Court Judge rendered a judgment against the City and ordered the City to dredge Children's Pool Beach and awarded attorneys' fees and costs in favor of the Plaintiff. The City has a pending appeal of the judgment and award before the Court of Appeal. Oral argument in the appeal is scheduled for July 11, 2007. The City Attorney's Office needs to update the Mayor and Council regarding the status of the litigation and pending appeal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

Council President Peters closed the hearing.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code Section 54956.9(b):

**CS-3 Claim for reimbursement by Maintenance Assessment District
Claim No. LP0700101739**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 19, 2007

DCA Assigned: J. Cordileone

This matter involves a claim for money made by the North Bay Association of San Diego regarding the Midway Business Improvement District. In closed session, the City Attorney will brief the City Council on the status of the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:05 p.m.)

Council President Peters closed the hearing.

ITEM-150: Fiscal Year 2007 Year-End Budget Adjustments.

(See Report to the City Council No. 07-105.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2007-159 Cor. Copy) INTRODUCED AS AMENDED, TO BE
ADOPTED ON MONDAY, JUNE 25, 2007

Introduction of an Ordinance amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," to make Fiscal Year 2007 year-end budget adjustments and to authorize the City Auditor and Comptroller to make such other transfers as necessary to balance each department and fund.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 6/6/2007, Budget voted 5 to 0 to forward without recommendation to the full City Council the Mayor's requested actions regarding Fiscal Year 2007 Year-End Budget Adjustments to allow time for analysis by the Independent Budget Analyst and further discussion by Councilmembers. (Councilmembers Peters, Faulconer, Atkins, Frye, and Madaffer voted yea.)

SUPPORTING INFORMATION:

This report discusses the fiscal status of City departments requiring budget adjustments and requests the City Council to authorize the City Auditor and Comptroller to balance each department and fund as necessary. The report summarizes the projected year-end revenues and expenditures for the General Fund, projects the status of General Fund reserves and discusses the requested budget adjustments in each affected department. In addition, the report seeks authorization to carryover certain fiscal year 2007 budget.

FISCAL CONSIDERATIONS:

- General Fund expenditure appropriations will increase by approximately \$4.9 million, the revised revenue budget will increase by approximately \$1.7 million and the balance of \$3.2 million will be funded from the General Fund unallocated reserve.
- Mission Bay Improvement Fund and Regional Park Improvement Fund revenue and expenditure appropriations will increase by approximately \$850,000 each.
- Central Stores Internal Service Fund revenue and expenditure appropriations will increase by

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- approximately \$600,000.
- Equipment Operating Fund expenditure appropriations will increase by approximately \$1.9 million to be funded by a transfer from the Equipment Replacement Fund.
- QUALCOMM Stadium expenditure appropriations will increase by approximately \$150,000, the revenue budget will increase by \$112,000 and the balance of \$38,000 will be funded from the QUALCOMM Stadium Fund balance.
- The General Fund will carryover approximately \$687,000 to the Infrastructure Improvement Fund, \$1,035,000 to the allocated reserve for Park and Recreation projects, and \$70,000 to the Capital Improvements Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This report will be presented to the Budget and Finance Committee on June 6, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Lewis/Goldstone

Aud. Cert. 2700810.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:47 p.m.)

MOTION BY FAULCONER TO INTRODUCE THE ORDINANCE AS AMENDED TO REFLECT THAT THE \$250,000 WOULD NOT BE ALLOCATED TO PARK AND RECREATION, BUT WOULD BE PLACED IN THE GENERAL FUND RESERVES. IN ADDITION, ANOTHER \$250,000 WOULD BE ALLOCATED FROM THE MISSION BAY REGIONAL PARKS FUND TO THE SUNSET CLIFFS NATURAL PARK FOR A FUTURE CAPITAL IMPROVEMENTS PROGRAM. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-151: Water, Sewer Monthly Billing Report.

(See Reports to the City Council No. 07-111 and 07-071; and Executive Summary Sheet from Water Department on Stormdrain Monthly Billing Report. Citywide.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2007-155) INTRODUCED WITH DIRECTION, TO BE ADOPTED
ON MONDAY, JULY 9, 2007

Introduction of an Ordinance directing the Mayor, or his representative, to implement tier-rate adjustments, as described in Report to the City Council No. 07-071, every two months instead of every six months, by November of 2007 and continuing thereafter until the City returns to bi-monthly billing for water and sewer services;

Rescinding the authority to adopt monthly water and sewer billing in Resolution No. R-297388, and directing the Mayor, or his representative, to return to bi-monthly billing for water and sewer services by April of 2008, except for those customer accounts which the City reads the water meters on a monthly basis or where a different billing frequency is established by contract;

Declaring that this activity is not subject to the California Environmental Quality Act because it is not a "project," pursuant to Sections 15378 and 15060(c)(3) of the State CEQA Guidelines, nor will the activity result in a direct or reasonably foreseeable indirect physical change in the environment pursuant to Section 15060(c)(2).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/15/2006, NR&C voted 3 to 0 to forward this item to full City Council for action to return to bi-monthly billings for Water, Sewer and Storm Drain. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Atkins not present.)

SUPPORTING INFORMATION:

On April 30, 2002, as part of the approval of water rate increases proposed by the City Manager, the Mayor and City Council directed the Water Department to begin billing all water and sewer

customers on a monthly basis by December 2003. The Department was instructed to convert to monthly billing without adding staff. After reviewing the capabilities of the City's current billing system, a number of alternatives were considered. The alternative selected was to provide an estimate of water consumption for every other bill. Monthly billing began on September 2, 2003. There were one-time conversion costs of \$1.3 million, with additional annual operating costs of \$570,000. No additional revenue was generated. Under the monthly billing system, a customer receives a bill based upon actual consumption, followed by an estimated bill the next month. The following month, each customer's meter is again read and the consumption is verified. The department has continued to review and adjust all single-family dwelling accounts every six months since March 2005 in order to offset any additional charges that may have resulted from the shift from bi-monthly to monthly billing. During the first two years of implementation, the department did not experience the expected decrease in accounts being shut-off due to delinquency.

The department continues to review monthly billing practices on a regular basis. We have received information from SDDPC concerning the costs to revert back to bi-monthly billing and to adjust all accounts every two months rather than six months as described above.

The cost estimate to revert back to billing on a bi-monthly basis is from \$111,800 to \$167,700. This would be a one time expense paid to SDDPC. This option would also reduce expenses by approximately \$622,000 annually. The costs and savings would be shared equally by the Water and Wastewater Funds. We estimate that this option could be implemented in the March/April 2008 time frame. This timing is dependent upon the final outcome of the Shames lawsuit.

The Council may also require more frequent tier rate adjustments. Under this method single-family dwellings would receive their tier rate adjustment, if any, two months after every actual read of their meter. The cost estimate for this method ranges from \$28,620 to \$38,637. This would be a one time expense paid to SDDPC. Estimated additional annual costs range from \$4,420 to \$5,724.

FISCAL CONSIDERATIONS:

- 1) The estimated one-time cost to revert to bi-monthly billing is \$111,800 to \$167,700. There would be a reduction in costs of approximately \$662,000 annually. The initial cost and annual savings would be equally divided between the Water and Wastewater funds.
- 2) The estimated one-time cost to increase the frequency of the tier rate adjustment is \$28,620 to \$38,637. Estimated additional annual costs of \$4,420 to \$5,724. The additional costs would be equally divided by the Water and Wastewater Funds.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 30, 2002, the Mayor and City Council directed the Water Department to implement monthly billing. On November 15, 2006, the Natural Resources and Culture Committee heard this item and requested that it be forwarded to the full City Council for discussion. At the April 30, 2007 meeting of the City Council, the Council directed the Mayor's staff to return this item to Council as an action item. Council directed the return to bi-monthly billing by March/April 2008 and increase the frequency of the tier rate adjustment by November 2007 from six months to every two months.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All customers that currently receive an estimated bill every other month.

Barrett/Haas

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:48 p.m. – 3:03 p.m.)

MOTION BY FRYE TO INTRODUCE THE ORDINANCE WITH DIRECTION THAT THE MAYOR'S STAFF WILL EXPLORE OTHER ASSISTANCE PROGRAMS TO HELP LOW INCOME FAMILIES AND COME BACK WITH INFORMATION WITHIN 60 DAYS. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-200: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:

Take the following actions:

CONTINUED TO MONDAY, JULY 9, 2007

Approving the attached Participation and Administration Agreement between SDCERS and the Unified Port District; and

Approving the attached Participation and Administration Agreement between SDCERS and the Airport Authority; and

Approving the attached Participation and Administration Agreement between SDCERS and the City of San Diego;

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

SUPPORTING INFORMATION:

Along with the City, the Port and the Airport Authority participate in SDCERS under City Charter Section 149 and San Diego Municipal Code Sections 24.1801 et seq. These provisions allow a public agency to contract with SDCERS to participate in the SDCERS Trust Fund, after the City Council makes a finding that the public agency is eligible and approves the contract between the agency and SDCERS. In 2002, the City Council found that the Port and the Airport Authority were eligible to participate in SDCERS under Charter Section 149, and approved the initial contracts between SDCERS and each agency.

Under Charter Section 149 and Municipal Code Section 24.1806, all funds contributed by a contracting public agency and its employees must be held in trust and used only to pay benefits and necessary expenses related to administering the retirement benefits of that agency. In order to carry out the intent of these provisions, and prevent the use of any contracting agency's plan assets to pay the liabilities associated with another agency's plan, tax counsel advised SDCERS to establish a Group Trust, within which SDCERS would administer each public agency's plan as a separate trust. Based on this advice, on March 16, 2007, the SDCERS Board unanimously approved a "Declaration of Trust" establishing the SDCERS Group Trust effective July 1, 2007. At that same time, the Board unanimously approved the three attached Participation and Administration Agreements with the City, the Port and the Airport Authority.

The Port and Airport Authority Boards have unanimously approved their respective Participation and Administration Agreements. Municipal Code Section 24.18020(j) requires that the Participation and Administration Agreements between SDCERS and each contracting public agency be approved by the City Council by Resolution.

A Council vote to approve the Participation and Administration Agreements of the City, Port, and Airport will ensure that the plan assets associated with each plan sponsor currently participating in SDCERS are unavailable to satisfy the liabilities of each other plan sponsor's plan. Both the Port and Airport Boards have made it clear that the participation of their assets in the SDCERS Group Trust is critical to their continued participation in SDCERS. If the City

Council does not approve their Participation and Administration Agreements, the Port and Airport may be forced to seek out another pension alternative to SDCERS.

FISCAL CONSIDERATIONS:

There is no financial impact associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City, Port, and Airport Authority, as well as their employees and retirees. Council approval of the three SDCERS Group Trust Participation and Administration Agreements will assure the employees and retirees of all three agencies that the assets in their retirement plans are safe from claims by or against the other SDCERS-administered plans.

Hebrank/Wescoe

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:08 p.m.)

MOTION BY FAULCONER TO CONTINUE TO MONDAY, JUNE 25, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-S400: In the Matter of Overriding the Mayor's Veto of the Council's Modifications of the Mayor's Fiscal Year 2008 Proposed Budget in Accordance with Charter Section 290(b)(2)(B).

OVERRIDE FAILED/UPHELD MAYOR'S LINE ITEM VETO

(See Notice of Line Item Veto by Mayor Sanders dated 6/13/2007.)

On June 11, 2007, the Council approved, with certain modifications, the Mayor's FY 2008 Budget. On June 12, 2007, the FY 2008 Budget, as modified, was delivered to the Mayor to approve, veto, or modify any line item approved by the

Council. On June 13, 2007, the Mayor vetoed the Council modifications to the FY 2008 Budget to delete the reductions from the general fund reserves in the amount of \$465,000 for the Winter Homeless Shelter. The Council has five business days within which to override any vetoes or modifications made by the Mayor, in accordance with Charter Section 290(b)(2)(B).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:19 p.m. – 4:08 p.m.)

MOTION BY FRYE TO OVERRIDE THE MAYOR'S LINE ITEM VETO. Second by Young. Failed. Yeas-456; Nays-1238; Not Present-7.

ITEM-250: **Notice of Pending Final Map Approval – 2601 Wightman Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "2601 Wightman Street" (T.M. No. 124188/PTS No. 111510), located on the southeast corner of Villa Terrace and Wightman Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have

questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-251: Notice of Pending Final Map Approval – Black Mountain Ranch North Village Unit No. 3A.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Black Mountain Ranch North Village Unit No. 3A" (T.M. No. 40-0528/PTS No. 106264), located southeasterly of Camino Del Sur and Paseo Del Sur in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President at 4:04 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:04 p.m. – 4:04 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 19, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:01 a.m. with Council Member Madaffer not present. A presentation was given by Job Nelson from the Mayor's Office regarding updates on pending legislation at 10:44 a.m. Council President Peters recessed the meeting at 11:18 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:23 a.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 11:23 a.m. to convene the Housing Authority. Council President Peters reconvened the meeting at 12:02 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 2:34 p.m.

ATTENDANCE DURING THE MEETING:.

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

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(7) Council Member Madaffer-not present

(8) Council Member Hueso-present

Clerk-Maland (mz/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:23 a.m.)

PUBLIC COMMENT-2:

Joy Sunyata commented on the Winter Shelter for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

PUBLIC COMMENT-3:

Al Strohlein commented on alcohol usage on public beaches on the 4th of July.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

PUBLIC COMMENT-4:

Daniel Coffey commented on the City Attorney budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-5:

Linda Warr commented on homelessness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-6:

Verne Gammon commented on social and financial support for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 a.m.)

PUBLIC COMMENT-7:

Steve Bruce commented on an annual world summit for children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:40 a.m.)

PUBLIC COMMENT-8:

Chris Christensen commented on condominium conversions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye commented on CS-1 from the Closed Session meeting on Monday, June 18, 2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:14 a.m.)

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INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

04/30/2007

05/01/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:01 a.m. – 10:01 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-not present.

ITEM-31: Brian Bennett Day.

MAYOR SANDERS' AND COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1206) ADOPTED AS RESOLUTION R-302741

Recognizing and saluting Brian Bennett for his invaluable service to the citizens of the City of San Diego and proclaiming June 19, 2007 to be "Brian Bennett Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:07 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-32: Marc Sorensen Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1027) ADOPTED AS RESOLUTION R-302742

Proclaiming June 19, 2007, to be "Marc Sorenson Day" in the City of San Diego in recognition of the many community services that he has provided to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:11 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-50: Aztec Budget Inn Redevelopment Rezone Located at 6050 El Cajon Boulevard.

(College Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/4/2007, Item 202, Subitem D. (Council voted 8-0):

(O-2007-133) ADOPTED AS ORDINANCE O-19628 (New Series)

Changing a 0.75-acre site, located at 6050 El Cajon Boulevard, in the College Area Community Plan Area, in the City of San Diego, California, from the RM-3-8 Zone into the RM-3-9 Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Resolution No. R-301263, adopted February 28, 2006, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-51: Acquisition of Real Properties for Seventeen Redevelopment Project Areas in Compliance with Health & Safety Code Section 33342.7 (SB 53).

(See Report to the City Council No. 07-096. Barrio Logan, Centre City, Clairemont Mesa, College Area, Greater North Park, Kensington-Talmadge, Linda Vista, Mid-Cities, Midway/Pacific Corridor, Mission Valley, Navajo, Old Town, Otay Mesa/Nestor, Peninsula, San Ysidro, Skyline-Paradise Hills, Southeastern San Diego, Tierrasanta, and Uptown Planning Community Areas. Districts 2, 3, 4, 6, 7, and 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/5/2007, Item 335, Subitems A-Q. (Council voted 7-0. Councilmember Maienschein not present):

Subitem-A: (O-2007-138) ADOPTED AS ORDINANCE O-19629 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Barrio Logan Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-B: (O-2007-139) ADOPTED AS ORDINANCE O-19630 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Central Imperial Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-C: (O-2007-140) ADOPTED AS ORDINANCE O-19631 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Centre City Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-D: (O-2007-141) ADOPTED AS ORDINANCE O-19632 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the City Heights Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-E: (O-2007-142) ADOPTED AS ORDINANCE O-19633 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the College Community Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-F: (O-2007-143) ADOPTED AS ORDINANCE O-19634 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the College Grove Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-G: (O-2007-144) ADOPTED AS ORDINANCE O-19635 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Crossroads Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-H: (O-2007-145) ADOPTED AS ORDINANCE O-19636 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Gateway Center West Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-I: (O-2007-146) ADOPTED AS ORDINANCE O-19637 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Grantville Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-J: (O-2007-147) ADOPTED AS ORDINANCE O-19638 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Horton Plaza Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-K: (O-2007-148) ADOPTED AS ORDINANCE O-19639 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Linda Vista Shopping Center Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-L: (O-2007-149) ADOPTED AS ORDINANCE O-19640 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Mount Hope Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-M: (O-2007-150) ADOPTED AS ORDINANCE O-19641 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the North Bay Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-N: (O-2007-151) ADOPTED AS ORDINANCE O-19642 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the North Park Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-O: (O-2007-152) ADOPTED AS ORDINANCE O-19643 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Naval Training Center Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-P: (O-2007-153) ADOPTED AS ORDINANCE O-19644 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the Southcrest Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-Q: (O-2007-154) ADOPTED AS ORDINANCE O-19645 (New Series)

Describing the City of San Diego Redevelopment Agency's program to acquire property within the San Ysidro Redevelopment Project Area by eminent domain;

Declaring this activity is not a "project" and is therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

FILE LOCATION: F-10107

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:54 a.m.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea (nay on 51i), Madaffer-not present, Hueso-yea.

* ITEM-100: Awarding a Contract to Brenntag Pacific, Inc. for Furnishing Caustic Soda for Water and Wastewater Treatment.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1126) ADOPTED AS RESOLUTION R-302743

Authorizing the Mayor, or his designee, to award and execute a Contract with Brenntag, the lowest responsible and reliable bidder, per Bid No. 8383-07-T, to furnish caustic soda, 50 percent solution, as may be required for a one-year period from the date of Contract award in an amount not to exceed \$1,796,690.85, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,796,690.85, solely and exclusively, for Contract purposes, from Water Fund 41500, Department 760, estimated at \$1,657,720.28; and Metropolitan Wastewater Fund 41508, Department 771, estimated at \$129,044.10 over Fiscal Years 2007 and 2008; and from Sewer Fund 41506, Department 775 estimated at \$9,926.47 over Fiscal Year 2007;

Authorizing the Mayor, or his designee, to exercise options to renew the Contract for four (4) additional one (1) year periods, with the potential price escalation not to exceed 50 percent of prices in effect at the end of each prior Contract year, if the Water Department and Metropolitan Wastewater Department accepts the option years within the maximum 50 percent per year escalation, contingent upon said funds being available for Contract budgeting and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" as defined by the California Environmental Quality Act (CEQA) and therefore is not subject to CEQA State Guidelines Section 15060 (c)(2).

STAFF SUPPORTING INFORMATION:

Water and Metropolitan Wastewater Departments require caustic soda for water treatment processes at the City's three water treatment plants (Miramar, Alvarado and Otay) and at wastewater facilities of Point Loma, Pump Station 1, Pump Station 2, Peñasquitos Pump Station, and Pump Station 65. This chemical is used for pH control and effluent neutralization.

Specifically, this contract will furnish the City of San Diego Water and Metropolitan Wastewater Departments with caustic soda, 50% in solution, to be delivered to the above facilities, as ordered by the City, for a total one-year estimated tonnage of 4,525 tons, with options to renew for four (4) additional one-year periods of similar tonnage. The delivered product must also meet all purity standards specified in the bid contract. Brenntag Pacific, Inc. was the lowest cost of seven responsive and responsible bidders.

FISCAL CONSIDERATIONS:

FY 2007/2008 estimated cost: \$1,657,720.28, funded by the FY 2007/2008 budget in Fund 41500, Department 760 of the Water Department/Operations Division, an enterprise funded by regional water ratepayers; \$129,044.10, funded by the FY 2007/2008 budget in Fund 41508, Department 771 of the Metropolitan Wastewater Department, an enterprise funded by regional wastewater ratepayers; and \$9,926.47 in Fund 41506, Department 775, an enterprise funded by municipal wastewater ratepayers.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None for this bid.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Bids were solicited from sixteen (16) vendors on August 15, 2006; bids closed on September 8, 2006. Letter of intent to award was issued on December 14, 2006; no protests have been received by Purchasing to date.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Bid awarded to Brenntag Pacific, Inc. of Chula Vista, CA. Over 1.5 million regional users of water and wastewater treatment have a stake in the systems' safe and reliable treatment of water and wastewater, and full compliance with all County, State and Federal regulations, in part made possible by the correct application of treatment chemicals, including caustic soda.

Barrett/Haas

Aud. Cert. 2700712 (total of 3 pages).

Staff: Jim Fisher - (619) 527-3156
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: CONT - Brenntag Pacific, Inc.

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-101: Consultant Agreement with Estrada Land Planning for San Ysidro Mobility Plan.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1197) ADOPTED AS RESOLUTION R-302744

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with Estrada Land Planning, to provide transportation planning services for the San Ysidro Mobility Plan in an amount not to exceed \$205,000, under the terms and conditions set forth in the Agreement (the Project), together with any reasonably necessary modifications, amendments,

extensions, or renewals thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$205,000 from Fund 38333, Account No. 4222, J.O. 296033, for the purpose of providing funds for the above referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is statutorily exempt from CEQA pursuant to State Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

The City of San Diego has received grant funding from the California Department of Transportation (Caltrans) to conduct transportation planning in the San Ysidro community planning area.

The City conducted a competitive bidding process and selected Estrada Land Planning to provide the professional outreach and transportation planning services and develop a community - endorsed San Ysidro Mobility Plan which will balance the needs of and integrate pedestrian and bicycle travel, vehicular activity, transit and parking along the major corridors of San Diego's San Ysidro community. This action will approve the consultant agreement to conduct the work.

The goals for the mobility study will include identification of strategies and improvement measures that improve traffic circulation, address parking demand, and promote walkability, bicycling, and improved accessibility to transit use for residents, visitors, and business people in the San Ysidro community.

FISCAL CONSIDERATIONS:

A total (not to exceed) \$205,000 would be made available for consulting work on the project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On January 10, 2002, by Resolution R-296033, the City Council voted to authorize the application, and to accept and execute, should the application be awarded, an Environmental Justice Transportation planning grant from Caltrans. On September 18, 2003, Caltrans awarded the City \$242,460 for the grant.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The City Planning and Community Investment Department has coordinated with the San Ysidro Community Planning Group and the San Ysidro Transportation Collaborative (SYTC) to secure grant funding for the San Ysidro Mobility Plan. The Department and its consultants will work closely with the SYTC, the San Ysidro Community Planning group, and interested residents and stakeholders throughout the planning process for the Mobility Plan.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Estrada Land Planning and other stakeholders listed above; including the San Ysidro Community Planning Group, the San Ysidro Transportation Collaborative, and interested residents.

Anderson/Waring

Aud. Cert. 2700788.

Staff: Theresa Millette - (619) 235-5206
Shirley R. Edwards – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-102: Consultant Agreement with Camp Dresser and McKee (CDM) Inc. for the San Pasqual Groundwater Conjunctive Use Study.

(See Executive Summary Sheet dated 5/18/2007. San Pasqual Community Area. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1182) ADOPTED AS RESOLUTION R-302745

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Consulting Agreement with CDM, for consulting services for the Project in an amount not to exceed \$950,000;

Authorizing the expenditure of an amount not to exceed \$950,000 in Water Fund 41500, Misc. 4222, solely and exclusively, for the purpose of providing funds for the above Consulting Agreement and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/4/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

SUPPORTING INFORMATION:

In December 2002, the City Council adopted the Long-Range Water Resources Plan 2002-2030 (LRWRP) which evaluated water supply alternatives for meeting the City's current and future water needs.

The initial phase of the LRWRP is to develop and implement, by 2010, a water resources strategy that includes water conservation, recycled water, groundwater storage, groundwater desalination and water transfers.

One of the priority groundwater projects is conjunctive use in San Pasqual Basin. The San Pasqual Basin has a high potential for a conjunctive use project based on preliminary evaluations of the basin. Conjunctive use is the concept of recharging imported water into the aquifer for recovery during peak demands, dry periods or emergency conditions.

PROJECT DESCRIPTION

The feasibility study and pre-design report for conjunctive use facilities in the San Pasqual Basin (Basin) includes: identification of the configuration and the storage and production capacity of the underground aquifer; pre-design plans and cost estimates and economic analyses; hydro-geological investigations including geological mapping, geophysics and investigation drilling and installation of monitoring well(s); identification and evaluation of CEQA environmental impacts including water quality requirements; evaluation of the impact of blended water (imported and groundwater) on basin water quality; identification of permitting requirements; determination of California Department of Health Services (CDHS) approval requirements; development of a groundwater flow, fate, and transport model for the Basin; and an operational feasibility analysis to measure the performance of water recharge, storage, and recovery capability. The estimated start date for this study is July 2007 and is scheduled to be completed within three years.

The objective of the feasibility study is to determine if the ultimate project can be built. The ultimate project will provide for the storage and recovery of up to 10,000 AFY of imported water. The project will consist of recharging raw water into the eastern portion of the Basin. Stored water will be recovered by means of extraction wells for conveyance for City use.

FISCAL CONSIDERATIONS:

The total not-to-exceed contract amount of the Agreement is \$950,000. This action will make \$950,000 available in Water Fund 41500, Misc. 4222.

PREVIOUS COUNCIL/COMMITTEE ACTION:

On December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657 in which the San Pasqual Basin was identified as a potential groundwater supply.

The Council adopted Policy 600-45 (R-300588) on June 27, 2005, by unanimous vote with all present, to comprehensively protect the water, agricultural, biological and cultural resources within the San Pasqual Valley. On May 16, 2006, the City Council adopted a resolution to prepare a Groundwater Management plan for the San Pasqual Basin. On February 27, 2007, the City Council adopted a resolution to conduct a groundwater desalination demonstration study in the San Pasqual Basin. On June 4, 2007, Natural Resources and Culture Committee approved the action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Water Department has been actively involved in the San Pasqual/Lake Hodges Planning Group for the past three years. In addition, the City will conduct regular stakeholder meetings consistent with San Pasqual Valley Vision Plan.

KEY STAKEHOLDERS:

- There are local, intergovernmental, and industry/regulatory agency stakeholders within the San Pasqual Valley. Local stakeholders include the City lessees who practice agriculture within the Valley, San Pasqual/Lake Hodges Community Planning Board, Rancho Bernardo Chamber of Commerce, San Diego County Farm Bureau, and San Dieguito River Park Citizens Advisory Board. Intergovernmental stakeholders include the Cities of Escondido and Poway, the City of San Diego Council District 5, the City of San Diego Agricultural Board, the Rancho Bernardo Community Council, and the San Dieguito River Valley Regional Open Space Park Joint Powers Authority. Industry/regulatory agency stakeholders include the Regional Water Quality Control Board, the Industrial Environmental Association, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the U.S. Army Corps of Engineers.
- Camp Dresser and McKee

Barrett/Haas

Aud. Cert. 2700782.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-103: Modernization of Elevators at the City Administration Building (CAB) and Evan V. Jones Parking Facility (Parkade).

(Downtown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1191) ADOPTED AS RESOLUTION R-302746

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the modernization of elevators at the City Administration Building (CAB) and a contract for the modernization of elevators at the Evan V. Jones Parking Facility (Parkade), each to the lowest responsible and reliable bidder, in the combined amount not to exceed \$1,500,000;

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Capital Improvement Program budget for Fiscal Year 2007 to add CIP-37-071.0, Modernization of Elevators at CAB and Parkade;

Authorizing the City Auditor and Comptroller to transfer \$1,500,000 from Fund No. 100, Department 601, to Fund No. 360221, CIP-37-071.0, Modernization of Elevators at CAB and Parkade;

Authorizing the expenditure of an amount not to exceed \$1,500,000 from Fund No. 630221, CIP-37-071.0, Modernization of Elevators at CAB and Parkade, solely and exclusively, to provide funds for the above projects and related costs;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(d), as the repair and maintenance of existing facilities or mechanical equipment to meet current standards of public health and safety.

STAFF SUPPORTING INFORMATION:

The four elevators at the City Administration Building (CAB) and the four elevators at the Evan V. Jones Parking facility (Parkade) were modernized in 1987 and 1982 respectively. Both are heavily used by City staff and the public. Technological advancement through the years has rendered the elevator controllers obsolete and difficult to maintain. The number of maintenance calls due to inoperability has increased over the last several years and this increase is expected to continue if the elevators are not modernized and brought up to current technological standards. In addition, some parts are difficult to obtain due to parts obsolescence wherein the original elevator manufacturer no longer supports nor manufactures parts for these elevators.

The level of concern with elevator down time is heightened during Council meetings and special events at the City Administration Building, Civic Center Theater, or the Concourse.

Recently there have been numerous elevator entrapments, outages and repair problems for both facilities. It is recommended that immediate replacement through modernization of the elevators be approved for the continued safety and convenience of all patrons of the City Administration Building and Parkade.

The major components that will be considered in this modernization program include hoist machines, controllers, dispatching systems, motor controls, governors, door operators, hall door operating components, car and hall signal and operating fixtures as well as pit and hoistway equipment. Also to be evaluated is compliance with American with Disabilities Act and any updates to comply with new elevator and building codes.

FISCAL CONSIDERATIONS:

Funding for this project will be obtained from the Citywide Deferred Maintenance account (Fund 100, Department 601). Total estimated project cost is \$1,500,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council has previously approved the modernization for CAB (1986).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the community during the performance of this modernization project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City staff and the public who use the elevators in the CAB and Parkade.

Sierra/Haas

Aud. Cert. 2700793.

Staff: Rolland Stanley - (619) 525-8500
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-104: Martin Luther King, Jr. Community Park Play Area Upgrades.

(See memorandum from Council President Pro Tem Young dated 4/6/2007. Southeastern San Diego Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1172) ADOPTED AS RESOLUTION R-302747

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to add CIP-29-951.0, Martin Luther King Jr. Community Park - Play Area Upgrades;

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-29-951.0, Martin Luther King Jr. Community Park - Play Area Upgrades;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-29-951.0, Martin Luther King, Jr. Community Park - Play Area Upgrades, in Fund No. 79511, Southeastern Development Impact Fee Funds, by increasing the budget amount by \$500,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$500,000 from CIP-29-951.0, Martin Luther King, Jr. Community Park - Play Area Upgrades, in Fund No. 79511, Southeastern Development Impact Fee Funds, solely and exclusively, for the purpose of providing funds for the project improvements, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

STAFF SUPPORTING INFORMATION:

Martin Luther King, Jr. Community Park is located in the Southeastern San Diego Community, and the park was developed in the 1970's and 1980's. A new senior center was built in the park in 2006. Existing park facilities and amenities are sport fields, tennis courts, swimming pools, recreation and senior center buildings, two tot lots, turf, and landscaping.

The existing children's play area equipment is in need of upgrade to comply with state and federal safety and accessibility guidelines. This project proposes improvements and upgrades to one of the two play areas that is located near the park entrance at Skyline Drive and adjacent to the pool facility. The project will include the replacement of playground equipment, upgrades to the play area and accessibility improvements.

FISCAL CONSIDERATIONS:

The total project cost is estimated at \$500,000 which is fully requested from the Southeastern DIF Fund. Additional operating costs are not anticipated as a result of these upgrade improvements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the Park & Recreation Department review process, this project will be presented to the Martin Luther King Recreation Council, Design Review Committee and Park & Recreation Board upon preparation of the concept plans.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Martin Luther King Recreation Council Community members and park visitors.

LoMedico/Reynolds

Aud. Cert. 2700759.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-105: Grant Application to State of California for Construction of Park De La Cruz/38th Street Canyon and Future Phases.

(Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1185 Cor. Copy) ADOPTED AS RESOLUTION R-302748

Authorizing the Mayor, or designee, for and on behalf of the City, to make an application to the State of California for \$107,000 in Roberti-Z'berg Harris Per Capita or Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the construction of Park De la Cruz Phase II/38th Street Canyon and Future Phases (Project);

Authorizing the Mayor, or designee, to take all necessary actions to secure funding from the State of California for Park De la Cruz Phase II/38th Street Canyon and Future Phases (Project);

Authorizing the City Auditor and Comptroller to accept and appropriate funds, if grant funding of the Project is secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the grant;

Amending Fiscal Year 2007 Capital Improvements Program Budget by increasing CIP-29-684.0, Park De la Cruz Phase II by \$215,000, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$108,000 from CIP-20-013.0, Grant Match Funding, to CIP-29-684.0, Park De la Cruz Phase II and Future Phases, within Fund 630221, Grant Match Funding, contingent upon receipt of a fully executed grant agreement;

Authorizing in addition to previously approved funds, the appropriation and expenditure of an amount not to exceed \$215,000 from CIP-29-684.0, Park De la Cruz Phase II and Future Phases for construction of Park De la Cruz Phase II/38th Street Canyon, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this project has been previously exempted under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304 (Minor Alterations to Land). This action adds additional funding to the project. There will be no additional environmental impacts associated with this action.

STAFF SUPPORTING INFORMATION:

Park De La Cruz II/38th Street Canyon Park includes a 2.0 acre park expansion to the existing Park De la Cruz Neighborhood Park, CIP 29-684.0. This requested action will provide Proposition 40 funding for the construction of park improvements at Park De la Cruz Phase II/38th Street Canyon and Future Phases.

Project improvements for Park De La Cruz Phase II/38th Street Canyon Park include a prefabricated comfort station, pedestrian/bicycle paths, interpretive nodes, landscaping, a children's playground, security lighting, picnic furniture, and other park improvements.

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002" (bond). On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita/RZH Per Capita funds to each Council District, with a portion of the funding set

aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

This action authorizes the Mayor, or his representative, to apply for \$107,000, a portion of the 2002 Resources Bond Per Capita or RZH Per Capita funding allocated to Council District 3, to be used for park improvements and construction of Park De la Cruz Phase II/38th Street Canyon and Future Phases.

The action also authorizes the transfer of \$108,000 Grant Match Funds to act as the City's portion of the project funding as required by the grant. A future Council action will be processed for the authorization of the construction phase of the project.

FISCAL CONSIDERATIONS:

CIP-29-684.0, Park De La Cruz Phase II/38th Street Canyon and Future Phases has funding from the Land and Water Conservation Fund (LWCF) in the amount of \$272,960; also from the California Department of Transportation as part of the Federal TEA-21 Funds in the amount of \$685,250; HUD Section 108 Funds in the amount of \$150,000, which will be added to the project; Park Bond Proposition 40 Funds in the amount of \$107,000 and City matching funds of \$108,000, for a total of \$215,000 which will be added to the project via this Resolution; and from Mid-City Special Park Fees and Grants in the amount of \$425,714. The total Phase II project funding for the Park De la Cruz/38th Street Canyon Park and Future Phases is \$1,598,924; with HUD Funding \$1,748,924.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Council Action authorizing the application for and expenditure of State Grant funds for the development of 38th Street Canyon Park and amendment of the CIP budget, Resolution R-296595, adopted June 4, 2002.
- Council Action authorizing the execution of the Cooperative agreement with CALTRANS to construct improvements at Teralta Neighborhood Park and Park De La Cruz and accept the Federal TEA-21 Funds from the California Department of Transportation; the expenditures as needed from CIP-29-684.0, Park De La Cruz, and CIP-29-685.0, Teralta Neighborhood Park; and amendment of the CIP budget, Resolution R-298852, adopted on February 09, 2004.
- Council Action authorizing the execution of the first amendment to the existing agreement with Parterre for professional landscape architectural services in CIP-29-684.0, Park De la Cruz Phase II/38th Street Canyon and Future Phases and CIP-29-685.0, Teralta Neighborhood Park Development, in the amount of \$228,591; the expenditure of \$114,296 from CIP-29-684.0, Park De la Cruz/38th Street Canyon and Future Phases and \$114,295 from CIP-29-685.0, Teralta Neighborhood Park-Development, Resolution R-301797, adopted on August 5, 2006.

- Council Action authorizing the reallocation of approximately \$150,000 in HUD Section 108 loan funds from the Euclid Avenue Revitalization Project to the Park De la Cruz/38th Street Canyon and Future Phases for the purpose of funding a portion of the children's play area, Resolution R-302254, adopted on January 17, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As a part of the Park & Recreation Department review process, the Park De La Cruz/38th Street Canyon Park and Future Phases was reviewed and approved by:

- City Heights Recreation Council - June 21, 2005;
- Design Review Committee (DRC) - October 12, 2005;
- Subcommittee for the Removal of Access Barriers (SCRAB) - October 13, 2005;
- Park & Recreation Board - November 17, 2005.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include the City Heights Recreation Council and community members in City Heights. Additional stakeholders include Parterre, prime consultant, and their subconsultants: Nasland Engineering, Kanrad Engineering, Inc., Geocon Incorporated and Graphic Solutions.

LoMedico/Reynolds

Aud. Cert. 2700748.

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea..

* ITEM-106: Coastal Law Enforcement Action Network v. City of San Diego, et al.

(Torrey Pines City Park Community Area. District 1.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1099) ADOPTED AS RESOLUTION R-302749

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, as referenced in the Settlement Agreement adopted by the City Council on _____, 2007.

SUPPORTING INFORMATION:

The City Council voted in closed session to enter into a settlement agreement with the Plaintiffs in the above-referenced litigation. The settlement agreement requires the City to (1) pay the Plaintiff \$20,000; and (2) enforce the lease agreement for the Torrey Pines Gliderport, including any restoration of native vegetation required by the California Coastal Commission; and in the event City's lessee fails to comply, terminate the lease and turn off all irrigation on the property, cap all run-off pipes on the property, and obtain and comply with permits for all unpermitted structures or their removal, consistent with the requirements of the Coastal Act; and (3) prepare a General Development Plan for the Torrey Pines City Park, within 18 months, taking into consideration the historic value of the property; and (4) establish a Torrey Pines City Park Advisory Board whose members shall be appointed within 90 days of the date of the agreement and who shall include representatives of the following Gliderport user groups: (a) paragliders, (b) hanggliders, (c) sailplane gliders, and (d) radio-controlled model sailplane gliders as well as at least two representatives from non-profit environmental groups. Subsequent to closed session, in response to concerns raised by City staff, the Plaintiffs agreed to amend the time-frames for preparing the General Development Plan and establishing the Advisory Board to three years and 120 days, respectively.

FISCAL CONSIDERATIONS:

The settlement agreement requires the payment of \$20,000. It also requires enforcement of the lease, preparation of a General Development Plan, and the creation of the Torrey Pines City Park Advisory Board which will all also have associated costs. A funding source for the General Development Plan is needed.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council unanimously voted to authorize the approval of a settlement agreement in Closed Session on May 1, 2007. Motion by Council President Peters, second by Councilmember Madaffer.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community participation will commence in the implementation process.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

When implementation is complete, the Torrey Pines City Park will be brought into conformance with the law and the public will have the benefit of a long term plan for the park as well as an opportunity to contribute to that plan.

Heumann/Reynolds

Aud. Cert. 2700764.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-107: Paul Geis Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1142) ADOPTED AS RESOLUTION R-302750

Commending Paul Geis for his passionate commitment to law enforcement and thanking him for his dedication to the City of San Diego;

Proclaiming June 19, 2007, to be "Paul Geis Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-108: Appointment of Lorin Stewart to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated 5/15/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1224) ADOPTED AS RESOLUTION R-302751

Appointing Lorin Stewart, residing in Rancho Peñasquitos, District 1, for a term ending August 31, 2007, replacing Faye Russell whose term expired;

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-109: Appointment of Mark K. Dillon to the Human Relations Commission.

(See memorandum from Mayor Sanders dated 5/31/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1193) ADOPTED AS RESOLUTION R-302752

Confirming the appointment by the Mayor of the City of San Diego of Mark K. Dillon, to serve as a member of the Human Relations Commission, for a term ending as indicated.

NAME

TERM ENDING

Mark K. Dillon
(City of Poway)
(Replacing Julia Legaspi, who does
not seek reappointment.)

July 22, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-110: Appointment of Michael C. Smiley to the Planning Commission.

(See memorandum from Mayor Sanders dated 6/1/2007, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1194 Cor. Copy) ADOPTED AS RESOLUTION R-302753

Confirming the appointment by the Mayor of the City of San Diego of Michael C. Smiley, to serve as a member of the Planning Commission, for a term ending as indicated:

NAME**TERM ENDING**

Michael C. Smiley (Tierrasanta, District 7) (Replacing Steve Laub, whose term expired)	January 28, 2010
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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-862) ADOPTED AS RESOLUTION R-302754

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge
of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the
following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea,
Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-112: Declaring a Continued State of Emergency Due to Severe Shortage of
Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-879) ADOPTED AS RESOLUTION R-302755

Declaring a Continued State of Emergency Due to Severe Shortage of
Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of
Affordable Housing in the City

COUNCIL ACTION: (Time duration: 10:54 a.m. – 11:03 a.m.)

MOTION BY HUESO TO ADOPT. Second by Atkins. Passed by the following
vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-
yea, Madaffer-not present, Hueso-yea.

ITEM-330: Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit
Assessment.

(See Report to the City Council 07-109 and Rancho Peñasquitos Public
Facilities Financing Plan and Facilities Benefit Assessment, FY 2008.
Rancho Peñasquitos Community Plan Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-1200) ADOPTED AS RESOLUTION R-302757

Approving the document entitled "Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2008."

Subitem-B: (R-2007-1201) ADOPTED AS RESOLUTION R-302758

Resolution of Intention to designate an area of benefit in Rancho Peñasquitos and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE RECOMMENDATION:

On June 13, 2007, LU&H voted 3-0-1 to approve Staff's recommendation. (Councilmembers Madaffer, Young and Atkins voted yea. Councilmember Hueso was not present.)

SUPPORTING INFORMATION:

REQUESTED ACTION:

Council authorization to approve the Rancho Peñasquitos Public Facilities Financing Plan, Fiscal Year 2008; adopt a Resolution of Intention to designate an area of benefit; adopt a Resolution of Designation; approve the setting of Development Impact Fees (DIF) consistent with the Facilities Benefit Assessments (FBA) in Rancho Peñasquitos; and authorize the City Auditor and Comptroller, upon the direction of the Financial Management Director, to modify individual Capital Improvement Program project budgets in accordance with the Council approved update to the Financing Plan.

STAFF RECOMMENDATION:

Approve the Rancho Peñasquitos Public Facilities Financing Plan -Fiscal Year 2008; rescind the existing Facilities Benefit Assessments and Development Impact Fees and establish new Facilities Benefit Assessment and Development Impact Fees for Rancho Peñasquitos.

EXECUTIVE SUMMARY:

Rancho Peñasquitos is nearing full community development and much of the infrastructure is already in place. The remaining needed facilities are in the Transportation and Park and Recreation categories and estimated costs for these facilities have been adjusted for increased costs and to reflect scope changes in the projects. The objective of the FBA program is to insure that sufficient funds will be available to construct those needed facilities. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Rancho Peñasquitos. The 7% assessment rate increase is a result of increases in the cost of materials, construction and inflation.

The proposed assessments for Fiscal Year 2008 are as follows:

<u>LAND USE</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT PER UNIT/ACRE in FY 2008 DOLLARS</u>
SINGLE FAMILY	\$19,997	\$21,397
MULTI-FAMILY	\$13,998	\$14,978
COMMERCIAL	\$119,982	\$128,382

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the Rancho Peñasquitos Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Public Facilities Financing Plan was at the Land Use & Housing Committee meeting on June 13, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Rancho Peñasquitos Planning Group will vote on the draft Rancho Peñasquitos Public Facilities Financing Plan on June 6, 2007. The LU&H Committee will be apprised of the planning group's vote prior to the LU&H meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Rancho Peñasquitos Public Facilities Financing Plan - Fiscal Year 2008 Assessment Roll, page 145, and will

have received notice and a copy of this document in the mail. These property owners will have liens placed on their property and will be required to pay Facilities Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment which increases the intensity of existing uses may be subject to an impact fee per Attachment 2.

Waring/Anderson/CS

Staff: Charlette Strong - (619) 533-3683
Elizabeth C. Coleman – Deputy City Attorney

FILE LOCATION: STRT-FB-13 (33)

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:10 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-331: Stebbins Residence.

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission's decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above a 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076. Ocean Beach Community Area. District 2.)

(Continued from the meeting of May 22, 2007, Item 334, at the request of the City Attorney, for further review.)

NOTE: Hearing open. No testimony taken on 5/22/07.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 51076, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Negative Declaration is hereby approved;

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-B: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-C: (R-2007-) CONTINUED TO TUESDAY, SEPTEMBER 4, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2007, voted 6-0-1 to approve; with opposition.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund
(One vacancy)

The Ocean Beach Community Planning Group has been notified of this project and has not taken a position.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

EXECUTIVE SUMMARY

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas.

The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007, to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007 Planning Commission, hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0.

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

LEGAL DESCRIPTION:

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. - 2:05 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, SEPTEMBER 4, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-332: 3502 Jackdaw Street (Hill Residence).

Matter of approving, conditionally approving, modifying or denying an application to amend HRP/RPOZ Permit No. 88-0742 which allowed development of a 1,785 sq. ft. single-family residence with attic; and carport with reduced setbacks. Said amendment to include variances to maintain existing height and floor area ratio conditions which exceed those permitted in the approved HRP/RPOZ Permit. This project also includes a request to

vacate an unimproved portion of Walnut Street, and expand an existing Encroachment Removal Agreement. The property is zoned RS-1-7 (Single-Family Residential) addressed as 3502 Jackdaw Street, and located at the northwest corner of Jackdaw and Walnut Streets, legally described as Lot 13 in Block 437 of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381.

(Hillside Review and Resource Protection Overlay Zone Permit No. 32731/Variance No. 209653/Encroachment Removal Agreement No. 209658. Uptown Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO MONDAY, SEPTEMBER 10, 2007

Adoption of a Resolution certifying findings with respect to HRP/RPOZ Permit No. 32731, Variance No. 209653; and Encroachment Maintenance and Removal Agreement No. 209658 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That Hillside Review and Resource Overlay Zone Permit No. 32731, Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658 to remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits is granted to Steven M. and Sandi M. Hill, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof;

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

Subitem-B: (R-2007-) CONTINUED TO MONDAY, SEPTEMBER 10, 2007

Adoption of a Resolution ordering not vacated the street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381 in connection with Hillside Review and Resource Protection

Overlay Zone Permit No. 209653, Variance No. 209653, and Encroachment Maintenance and Removal Agreement No. 209658, as more particularly described in the legal description marked as Exhibit "A" and shown in the drawing marked as Exhibit "B";

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on April 21, 2005, voted 4-2 to approve; was opposition.

Ayes: Steele, Garcia, Schultz, Otsuji

Nays: Chase, Ontai

Not present: Griswold

Uptown Planners has taken a vote resulting in a mixed recommendation for the project. Please refer to the Planning commission Report No. PC-04-182.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a permit amendment, three variances, and encroachment into the unimproved public right-of-way of Walnut Avenue to allow existing improvements associated with a single family residence to remain. The project is located at 3502 Jackdaw Street in the Uptown Community Plan area.

STAFF RECOMMENDATION:

1. APPROVE Hillside Review Permit/Resource Protection Ordinance Permit No. 32731, Variance No. 209653, and Encroachment Removal Agreement No. 209658; and
2. DENY Public Right-of-Way Vacation No. 209656.

EXECUTIVE SUMMARY:

The application was deemed complete on January 11, 1999, and is therefore subject to the Municipal Code in effect at that time. The site is located at 3502 Jackdaw Street in the

Uptown Community Plan area. The 25 foot by 100 foot rectangular lot slopes approximately 30 feet down from the street. The majority of the parcel is within the Hillside Review Overlay Zone (Old Code). Previous approvals in 1989 authorized the construction of the property with two variances for yard setbacks. A soils investigation during initial grading determined that removal of undocumented full material was necessary. This resulted in modifications to the foundation design and lowered the measurement of grade approximately five feet. This resulted in the residence observing a height of approximately 38 feet, rather than 33 feet approved with the original permit. Furthermore, changes to the foundation design using retaining walls to support the structure in lieu of caissons resulted in a previously open area beneath the structure being enclosed. Regulations require this enclosed area be included in the floor area measurement of the residence which now exceeded that allowed in the permit. A permit amendment and variance is required to remedy these conditions.

In 1990, an Encroachment Maintenance and Removal Agreement (EMRA) was approved to allow encroachments into the unimproved public right-of-way of Walnut Avenue, immediately south of the residence. These encroachments extend fifteen feet into the right-of-way and include a concrete walkway and steps which provide access to the residence and landscaping. In 1998, a Notice of Violation was issued to the owner citing non-compliance with the approved HRP/RPOZ Permit No. 88-0742.

In 1999, the owner submitted the current application to amend the approved HRP/RPOZ Permit No. 88-0742 in an effort to legalize the existing height and gross floor area. The application includes a request to modify the existing structure to add additional floor area and an EMRA to legalize existing encroachments in the public right-of-way beyond those approved in the 1990 EMRA. As an alternative to an EMRA, the project includes a request to vacate a portion of the undeveloped Walnut Avenue right-of-way.

Staff recommends approval of Hillside Review Permit/Resource Protection Ordinance Permit No. 32731, Variance No. 209653 and Encroachment Removal Agreement No. 209658 and recommends denial of Public Right-of-Way Vacation No. 209656.

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(1) "Existing Facilities".

FISCAL CONSIDERATIONS:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 21, 2005, the Planning Commission of the City of San Diego voted 4:2:0 to recommend approval of Hillside Review and Resource Overlay Zone Permit No. 32731, amending HRP/RPOZ Permit No. 88-0742, and Variance No. 209653 to maintain the existing as-built and enclosed under-floor area of the residence; and to recommend denial of a Variance to enclose an existing carport for use as a garage; Street/Public Right-of-Way Vacation No. 209656; and Encroachment Removal Agreement No. 209658, requiring the area that was disturbed be revegetated and returned to the state it was in prior to being encroached upon without permission, with a minimum maintenance period from one to three years.

On October 3, 2000, the Uptown Planners voted 5:3:1 to recommend denial of the street vacation. On May 1, 2001, the Uptown Planners voted 11:0:1 to recommend approval of the project, minus the street vacation.

KEY STAKEHOLDERS:

Steve M. and Sandy M. Hill, Owners/Applicant

Waring/Escobar-Eck/JSF

NOTE: The City of San Diego as Lead Agency under CEQA has determined that the action is exempt pursuant to Article 19 of the Guidelines for Categorical Exemptions, Section 15301(1), Existing Facilities.

Staff: John Fisher – (619) 446-5231

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. -2:31 p.m.)

Testimony in opposition by Michael Herman.

Testimony in favor by Sandi Hill.

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO MONDAY, SEPTEMBER 10, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-S500: Central Avenue Mini Park Acquisition – Caltrans Excess Land.

(Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-223) ADOPTED AS RESOLUTION R-302756

Authorizing the Mayor, or his designee, for and on behalf of the City, to accept a Director's Deed, executed by the State of California Department of Transportation, for the opportunity purchase of an approximately 0.37-acre parcel of land (APN 454-161-36-42) (Parcel) located in City Heights as a public property;

Authorizing the Mayor, or his designee, to apply for and accept a \$56,000 grant from the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002;

Authorizing the City Auditor and Comptroller to establish a special, interest-bearing fund for the grant, contingent upon receipt of a fully-executed grant agreement;

Reallocating One Hundred Thirty-Five Thousand Dollars (\$135,000) from Fund 630221, General Fund Contributions to the CIP, from CIP-20-013.0, Park & Rec Grant Match Funding, to CIP-29-002.0, Central Avenue Mini Park - Acquisition, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Increasing the Fiscal Year 2007 Capital Improvements Program Budget within CIP-29-002.0, Central Avenue Mini Park - Acquisition, by Two Hundred Seventy-Six Thousand Two Hundred Dollars (\$276,200), contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate One Hundred Fifty Thousand Dollars (\$150,000) from Fund 10529, Infrastructure Improvement Fund, to CIP-29-002.0, Central Avenue Mini Park - Acquisition, and Fifty-Six Thousand Dollars (\$56,000) from the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 grant fund to CIP-29-002.0, Central Avenue Mini Park - Acquisition, and Seventy Thousand Two Hundred Dollars (\$70,200) from Fund 39094, Mid-City Park Development Fund, to CIP-29-002.0, Central Avenue Mini Park - Acquisition, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend amounts not to exceed One Hundred Seventy-Nine Thousand Dollars (\$179,000) from Fund 39094, Mid-City Park Development Fund, One Hundred Fifty Thousand Dollars (\$150,000) from Fund 10529, Infrastructure Improvement Fund, One Hundred Thirty-Five Thousand Dollars (\$135,000) from Fund 630221, General Fund Contributions to CIP, and Fifty-Six Thousand Dollars (\$56,000) from the Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for a total expenditure not to exceed Five Hundred Twenty Thousand Dollars (\$520,000) for the purpose of purchasing the Parcel, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

STAFF SUPPORTING INFORMATION:

The State of California Department of Transportation (Caltrans) has designated certain excess State lands for sale, one being Disposal Parcel No. 13909-01-01 totaling 16,096 square feet or 0.37 acres, located at 3648 Central Avenue east of I-15 and just south of the pedestrian bridge over I-15, at an offering price of \$520,000, as described in the Caltrans Director's Deed and shown on Director's Deed Map DD13909-01-01 (Right of Way Map No. 55519.) The City Park and Recreation Department desires to acquire the land to develop as a future park to service the urban, park-deficient Mid-City community. Real Estate Assets staff has reviewed the sales data provided by Caltrans and determined that the value established by the state is representative of the market value.

The closing on the purchase of the 0.37 acre parcel is subject to both City Council approval and approval of the City's purchase Proposal by the California Transportation Commission in December 2005. All future actions associated with development of this property will be subject to additional environmental analysis pursuant to CEQA.

In July 2000 and July 2001 respectively, legislative action authorized the California Department of Parks and Recreation to release the Per Capita and RZH Per Capita portions of the 2000 Park Bond (Prop 12). San Diego's allocation of \$14,152,697 is under contract with the State, and based upon Mayoral and City Council approval. This action authorizes the Central Avenue Mini Park Acquisition - Caltrans Excess Land Project be funded, in part, with \$56,000 of Proposition-12 RZH Per Capita dollars allocated to Council District 3. The funds will be used for the acquisition of land for the future Central Avenue Mini-Park.

FISCAL CONSIDERATIONS:

These actions will appropriate a total of \$411,200 to CIP-29-002.0, Central Avenue Mini Park - Acquisition, comprised of \$70,200 from Mid City Special Park Fees (Fund No. 39094), \$150,000 from City Heights Redevelopment Project Area Tax Increment Fund (Fund No. 98200), \$135,000 in Park and Recreation Grant Match Funding, CIP-20-013.0 (Fund No. 630221) and \$56,000 from the California Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000, contingent upon receipt of a fully executed grant agreement, and authorize an expenditure of a total of \$520,000 from CIP-29-002.0, Central Avenue Mini Park - Acquisition, for the acquisition of the 0.37 acre Caltrans excess property for future park purposes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Subsequent to escrow closing on the subject property, the Park and Recreation Department will initiate the public input process, consistent with Council Policy 600-33, COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, to determine the appropriate use of the park land.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include the residents of City Heights who are deficient in population-based park land per General Plan recommendations by 142 acres. This acquisition will reduce the park deficiency in the City Heights Community.

Barwick/Waring

Aud. Cert. 2700825.

Staff: Lane MacKenzie - (619) 236-6050
Brock Ladewig -- Chief Deputy City Attorney

FILE LOCATION: F-10105

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:17 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 2:34 p.m. in honor of the memory of:

Dennis Dilno as requested by Council Member Atkins; and
Vic Kops as requested by Council Member Faulconer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:31 p.m. - 2:34 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

000151

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 25, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:02 p.m. Council President Peters recessed the meeting at 3:06 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:11 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 3:47 p.m. to convene the Redevelopment Agency and thereafter the Housing Authority. Council President Peters reconvened the regular meeting at 3:51 p.m. with Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 3:52 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-not present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, June 25, 2007

Page 2

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Intern Pastor Randy Lyle of Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *De Anza Cove Homeowners Association, Inc. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 821191

Ernest Abbitt, et al. v. City of San Diego, et al.
San Diego Superior Court Case No. GIC 865536

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 26, 2007

CDCA Assigned: M. Severson

The *De Anza Cove Homeowners Association, Inc. v. City of San Diego, et al.* matter is an action filed by the De Anza Cove Homeowners Association for damages and declaratory relief. The *Ernest Abbitt, et al. v. City of San Diego, et al.* matter is an action filed by individual residents at De Anza Cove for damages. The Court has coordinated these two cases. In closed session, the City Attorney will brief the Council on the status of these related matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:44 p.m. – 3:44 p.m.)

Council President Peters closed the hearing.

CS-2 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*
San Diego County Superior Court Case No. GIC 850455
(Consolidated with San Diego County Superior Court Case No. GIC 850829)

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 26, 2007

DCA Assigned: G. Spitzer

This litigation regards the validity of the City Council's adoption of the Grantville Redevelopment Plan, Ordinance No. O-19380. City Council will confer with the City Attorney regarding settlement with the County of San Diego and property owner Atomic Investments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:44 p.m. – 3:44 p.m.)

Council President Peters closed the hearing.

**CS-3 Steve Trunk, et al. v. *City of San Diego*
United States District Court Case No. 89cv00820 GT (LSP)**

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 26, 2007

DCA Assigned: G. Schaefer

The Plaintiff in this case obtained an injunction from a federal district court requiring the City of San Diego to remove the Mount Soledad cross from City property. On June 15, 2007, the federal district court awarded the Plaintiff's counsel \$962,691.28 in attorneys' fees and costs. The City Attorney needs to consult with the Mayor and Council in closed session on the issue of whether an appeal of this award should be filed.

CLOSED SESSION COMMENT 1:

Hud Collins commented on the appeal regarding the Mount Soledad cross in the Trunk vs. City of San Diego case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:44 p.m. – 3:44 p.m.)

Council President Peters closed the hearing.

ITEM-150: Two actions related to Lobbying Representation in Washington, D.C. and Sacramento, CA.

(See Reports to the City Council No. 07-050 and 07-034; Intergovernmental Relations Department's 3/7/2007 PowerPoint; and PowerPoint dated 2/7/2007.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-966 Cor. Copy) ADOPTED AS RESOLUTION R-302759

Authorizing the Mayor, or his designee, to enter into and execute, for and on behalf of the City, a contractual agreement for federal lobbying representation for a term of two years commencing July 1, 2007, with Patton Boggs, LLP, under the terms and conditions set forth in the agreement;

Authorizing the expenditure of an amount not to exceed \$180,000, solely and exclusively, for the purpose of providing funds for the above agreement with Patton Boggs, LLP, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2007-967) CONTINUED TO MONDAY, JULY 16, 2007

Authorizing the Mayor, or his designee, to enter into and execute, for and on behalf of the City, a contractual agreement for state lobbying representation for a term of two years commencing July 1, 2007, with Sloat Higgins Jensen & Associates and Marston+Marston, Incorporated, under the terms and conditions set forth in the agreement;

Authorizing the expenditure of an amount not to exceed \$168,000, solely and exclusively, for the purpose of providing funds for the above agreement with Sloat Higgins Jensen & Associates and Marston+Marston, Incorporated, contingent upon the City Auditor and Comptroller first furnishing one or more

certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS
COMMITTEE'S RECOMMENDATION:**

On 3/7/2007, Rules voted 5 to 0 to approve the recommendation that Sloat Higgins Jensen & Associates/Marston+Marston be selected as the City's Sacramento lobbyist, with direction that contract terms be provided prior to City Council consideration. (Councilmembers Peters, Young, Maienschein, Frye, and Madaffer voted yea.)

On 2/7/2007, Rules voted 5 to 0 to approve the Mayor's recommendation with direction to the Independent Budget Analyst to prepare a report prior to adoption of the budget regarding the appropriate oversight of the lobbying function. (Councilmembers Peters, Young, Maienschein, Frye, and Madaffer voted yea.)

SUPPORTING INFORMATION:

For more than 40 years, the City has contracted with government relations firms to ensure that the City maintains effective advocacy before the legislative and executive branches of the Federal and State governments. These advocates, working through the Community and Legislative Services Division, Intergovernmental Relations Department, advocate City adopted policy regarding: funding opportunities; Legislative goals; and Regulatory goals.

The principal responsibility of the lobbying contractor shall be achieving funding and determined legislative and regulatory outcomes on behalf of the City.

FISCAL CONSIDERATIONS:

Contract costs are \$348,000 annually combined. Patton Boggs, LLP will be compensated \$180,000 annually and Sloat Higgins Jensen/Marston+Marston, Incorporated will be compensated \$168,000 annually.

Funding for the contract costs have been included in the Mayor's Proposed Fiscal Year 2008 budget. The impact to the General Fund is \$219,600 for Department 220; impact to Non-General Fund is \$128,400 dispersed among Refuse Disposal Fund (\$10,440), Recycling (\$8,400), Water

(\$34,800), Metropolitan Waste Water (\$71,400), and Development Services (\$3,360). Contract payments will occur via the General Fund with the Non-General Fund providing reimbursement under the cost allocation described above.

During the current fiscal year the Intergovernmental Relations Department conducted a review of the previous allocations by fund and compared those to the actual time spent on lobbying activities by the federal and state lobbying contractors. Based upon the results of that review, the funding allocations from each fund have been reduced to more accurately reflect the amount of time the contract lobbyists spend working on non-general fund priorities.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Rules, Open Government and Intergovernmental Relations Committee voted 5-0 on February 7, 2007 to authorize the Mayor to negotiate and execute an Agreement with Patton Boggs, LLP for federal lobbying services.

The Rules, Open Government and Intergovernmental Relations Committee voted 5-0 on March 7, 2007 to authorize the Mayor to negotiate and execute an Agreement with Sloat Higgins Jensen/Marston+Marston, Incorporated for state lobbying services.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: -

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): -

Nelson/Michell

Aud. Cert. 2700815.

FILE LOCATION: Subitem A: MEET
Subitem B: NONE

COUNCIL ACTION: (Time duration: 2:26 p.m. – 2:46 p.m.)

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM A AND CONTINUE SUBITEM B TO MONDAY, JULY 16, 2007, FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

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ITEM-200: Public Contract Operations (MWWD Department-Wide Bid to Goal) Implementation.

(See Report to the City Council No. 07-114. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1184) NOTED AND FILED

Ratifying the Memorandum of Understanding for the Bid to Goal Public Contract Operations Agreement regarding the operation of the City's wastewater system;

Authorizing the Mayor, or his designee, pursuant to the Memorandum of Understanding, to approve and accept a responsible and responsive Metropolitan Wastewater Department Labor-Management Partnership Bid for the operation of the City's wastewater system;

Declaring that this activity is not a "project" and therefore not subject to the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

In 1997, City Council authorized the first Bid to Goal Agreement (Agreement) with the Metropolitan Wastewater Department (MWWD). Currently, two divisions of MWWD have Agreements in place (through FY 2007). Over the past 10 years, the Bid to Goal approach has demonstrated remarkable success as a strategy to optimize public sector service delivery, promoting significant improvements in the efficiency and effectiveness of relevant MWWD functions. This proposed department-wide Agreement is complementary to the recent MWWD Business Process Reengineering (BPR) effort that validated MWWD performance levels and developed a Most Efficient Organization (MEO). While this Agreement maintains most of the elements of the two operative Agreements, significant refinements are included and addressed in the accompanying Report to Council. MWWD and the Labor Organizations have reached a tentative Bid to Goal Agreement pending the City Council approval.

FISCAL CONSIDERATIONS:

MWWD's Bid to Goal Agreement is projected to yield estimated annual savings of \$20 million compared to projections made prior to implementing the MEO. Incentives and accountability provisions are incorporated to encourage efficiency savings beyond these projections.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Two existing MWWD Bid to Goal Agreements and related Amendments were approved with MWWD's Operations & Maintenance and Wastewater Collection Divisions (both expire 6/30/2007).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Past Bid to Goal efforts and the proposed expansion to a department-wide agreement were discussed with the Public Utilities Advisory Commission in conjunction with presentations on the MWWD BPR process. Performance results will be briefed in public forum at appropriate venues.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Results of actions described above are intended and designed to deliver reliable, cost-effective services to MWWD's ratepayers with reduced staff and expenses. This agreement extends and maintains the labor-management partnership of the City and participating labor organizations.

Bertch/Haas

Staff: Margaret Wyatt - (858) 292-6467
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:26 p.m.)

Motion by atkins to adopt the resolution as amended by deleting the clause, "Termination for convenience" on page 8 of the contract. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

Note: This item to be redocketed July 24, 2007.

ITEM-S400: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.

(Continued from the meeting of June 18, 2007, Item 200, at the request of City Attorney, for further review.)

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:

Take the following actions:

TRAILED TO TUESDAY, JUNE 26, 2007

Approving the attached Participation and Administration Agreement between SDCERS and the Unified Port District; and

Approving the attached Participation and Administration Agreement between SDCERS and the Airport Authority; and

Approving the attached Participation and Administration Agreement between SDCERS and the City of San Diego;

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

Along with the City, the Port and the Airport Authority participate in SDCERS under City Charter Section 149 and San Diego Municipal Code Sections 24.1801 et seq. These provisions allow a public agency to contract with SDCERS to participate in the SDCERS Trust Fund, after the City Council makes a finding that the public agency is eligible and approves the contract between the agency and SDCERS. In 2002, the City Council found that the Port and the Airport Authority were eligible to participate in SDCERS under Charter Section 149, and approved the initial contracts between SDCERS and each agency.

Under Charter Section 149 and Municipal Code Section 24.1806, all funds contributed by a contracting public agency and its employees must be held in trust and used only to pay benefits and necessary expenses related to administering the retirement benefits of that agency. In order to carry out the intent of these provisions, and prevent the use of any contracting agency's plan assets to pay the liabilities associated with another agency's plan, tax counsel advised SDCERS to establish a Group Trust, within which SDCERS would administer each public agency's plan as a separate trust. Based on this advice, on March 16, 2007, the SDCERS Board unanimously approved a "Declaration of Trust" establishing the SDCERS Group Trust effective July 1, 2007.

At that same time, the Board unanimously approved the three attached Participation and Administration Agreements with the City, the Port and the Airport Authority.

The Port and Airport Authority Boards have unanimously approved their respective Participation and Administration Agreements. Municipal Code Section 24.18020(j) requires that the Participation and Administration Agreements between SDCERS and each contracting public agency be approved by the City Council by Resolution.

A Council vote to approve the Participation and Administration Agreements of the City, Port, and Airport will ensure that the plan assets associated with each plan sponsor currently participating in SDCERS are unavailable to satisfy the liabilities of each other plan sponsor's plan. Both the Port and Airport Boards have made it clear that the participation of their assets in the SDCERS Group Trust is critical to their continued participation in SDCERS. If the City Council does not approve their Participation and Administration Agreements, the Port and Airport may be forced to seek out another pension alternative to SDCERS.

FISCAL CONSIDERATIONS:

There is no financial impact associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City, Port, and Airport Authority, as well as their employees and retirees. Council approval of the three SDCERS Group Trust Participation and Administration Agreements will assure the employees and retirees of all three agencies that the assets in their retirement plans are safe from claims by or against the other SDCERS-administered plans.

Hebrank/Wescoe

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:12 p.m. – 3:35 p.m.)

MOTION BY FRYE TO TRAIL TO TUESDAY, JUNE 26, 2007, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-S401: Fiscal Year 2007 Year-End Budget Adjustments.

(See Report to the City Council No. 07-105.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 6/18/2007,
Item 150. (Council voted 7-0. Councilmember Madaffer not present):

(O-2007-159 Cor. Copy 1)

ADOPTED AS ORDINANCE O-19646
(New Series)

Adoption of an Ordinance amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," to make Fiscal Year 2007 year-end budget adjustments and to authorize the City Auditor and Comptroller to make such other transfers as necessary to balance each department and fund.

NOTE: Today's action is the second public hearing and adoption of the Ordinance. See Item 150 on the docket of Monday, June 18, 2007, for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:36 p.m. – 3:44 p.m.)

MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-250: Notice of Pending Final Map Approval – 4585 Ohio Street

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4585 Ohio Street” (T.M. No. 208440/PTS No. 105204), located on the east side of Ohio Street between Madison Avenue and Meade Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-251: Notice of Pending Final Map Approval – 4432-4436 56th Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4432-4436 56th Street” (T.M. No. 255399/PTS No. 111294), located on the southwest corner of 56th Street and Adelaide Avenue in the Mid-City: Eastern Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 3:52 p.m. in honor of the memory of:

Julie Barbara Kerr as requested by Council President Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:51 p.m. – 3:52 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 26, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:00 a.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 10:57 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:01 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:31 a.m. to convene into Closed Session and to reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:04 p.m. with Council Member Atkins and Council Member Hueso not present. Council President Peters recessed the meeting at 3:22 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:17 p.m. with Council Member Atkins not present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:44 p.m. with Council Member Atkins not present. The meeting was adjourned by Council President Peters at 4:59 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (mz/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-not present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Linda Warr commented on homelessness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:33 a.m.)

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PUBLIC COMMENT-2:

Hud Collins commented on the Pledge of Allegiance and the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:36 a.m.)

PUBLIC COMMENT-3:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:38 a.m.)

PUBLIC COMMENT-4:

Henry Olivas commented on Bus Route 25.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:42 a.m.)

PUBLIC COMMENT-5:

Joy Sunyata commented on the "Red Beret" award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. - 10:44 a.m.)

PUBLIC COMMENT-6:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-7:

Jarvis Ross commented on development projects in the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:50 a.m.)

PUBLIC COMMENT-8:

David Lowe commented on recycling.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:54 a.m.)

PUBLIC COMMENT-9:

Judith Swink commented on the Mayor's Charter Review Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:57 a.m.)

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COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye invited the public to attend the Harry Potter event to be held July 5, 2007.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:21 a.m.)

COUNCIL COMMENT-2:

Council Member Madaffer expressed appreciation to fellow Council Members for their indulgence during his absence.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

COUNCIL COMMENT-3:

Council President Peters welcomed a new intern to his office and thanked City employees for their efforts during a Torrey Pines hotel fire.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:27 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: District 1 CIF Spring Champions Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1236) ADOPTED AS RESOLUTION R-302761

Commending the Mt. Carmel High School, Softball Team, the University City School Baseball Team, the Torrey Pines High School Men's Lacrosse Team, and the Westview High School Men's Tennis Team;

Proclaiming June 26, 2007, to be "District 1 CIF Spring Champions Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:16 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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ITEM-31: Community Farms and Gardens Day.

**COUNCILMEMBER FRYE'S AND COUNCILMEMBER MADAFFER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1237) ADOPTED AS RESOLUTION R-302762

Recognizing, supporting, and encouraging the creations and continued existence
of community farms and gardens;

Proclaiming June 26, 2007, to be "Community Farms and Gardens Day" in the
City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:01 a.m. – 10:09 a.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

* ITEM-50: Joint Use Agreement with San Diego Unified School District for Edison
Elementary School.

(Mid-City/City Heights Community Area. District 3.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-157) INTRODUCED; TO BE ADOPTED ON TUESDAY,
JULY 10, 2007

Introduction of an Ordinance authorizing the Mayor, or his representative, to execute, for and on behalf of the City, a Twenty-Five Year Lease and Joint Use Agreement with the San Diego Unified School District for construction, operation, maintenance, and lease of turf fields at Edison Elementary School, under the terms and conditions set forth in the Agreement;

Declaring that this activity is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

NOTE: 6 votes required.

STAFF SUPPORTING INFORMATION:

Edison Elementary School is located at 4077 35th Street in the Mid City (City Heights) Community. The proposed Joint Use Agreement with the San Diego Unified School District (SDUSD) would provide for 1.25 acres of artificial turf multi-purpose field area. The City Heights Community Planning Area is park deficient; therefore, this project will help to satisfy the community's and SDUSD's recreational and athletic programmatic needs.

The City's Progress Guide and General Plan recommends 10 usable acres of neighborhood park for every 3,500 to 5,000 residents. In areas of the City where parkland is deficient per the City's General Plan standards, joint use facilities have provided a venue for City recreation programs typically provided at neighborhood parks. A joint use facility is defined as land or facilities that are owned by the City or another agency and shared between agencies to meet the recreational and physical education needs of both agencies.

The City and the District have been cooperating in the use of numerous recreational facilities in accordance with the City-District Recreation Agreement of September 1948, and the Memorandum of Understanding between the City and District for the Development and Maintenance of Joint Use Facilities adopted by the San Diego City Council on October 7, 2002 (Resolution No. R-297149), and by the District's Board of Education on October 8, 2002. Currently, the City has approximately 100 joint use agreements with various school Districts Citywide.

The City and District have previously entered into an agreement regarding the Edison Elementary School joint use facilities. The Agreement between the San Diego Unified School District and the City of San Diego Regarding Joint-Use Facilities at Edison Elementary School was adopted by the San Diego City Council on October 28, 1997 (Resolution No. R-289350-1) and the District's Board of Education on August 27, 1996. Pursuant to this Agreement, the District agrees to pay all costs for electricity, water and other expenses relating to maintenance of the joint use playfield for a period of twenty-five (25) years after completion of construction of the field area.

The proposed artificial turf fields at Edison Elementary School will be developed and maintained through this twenty-five (25) year no fee lease and Joint Use Agreement with the San Diego Unified School District (SDUSD). The terms of the agreement allow for the development, operation, and maintenance of artificial turf multi-use playing fields. Funding for design and construction of the turf fields will be provided by the SDUSD as a part of the Proposition MM measure. Pursuant to the previous agreement between the City and the SDUSD, the District will be responsible for the maintenance of the artificial turf per the Joint Use Agreement.

FISCAL CONSIDERATIONS:

District agrees to pay all costs for electricity, water and other expenses relating to maintenance of the joint use playfield for a period of twenty-five (25) years after completion of construction of the field area.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City and District have previously entered into an agreement regarding the Edison Elementary School joint use facilities. The Agreement between the San Diego Unified School District and the City of San Diego Regarding Joint-Use Facilities at Edison Elementary School was adopted by the San Diego City Council on October 28, 1997 (Resolution No. R-289350-1) and the District's Board of Education on August 27, 1996.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Diego Unified School District conducted numerous public workshops in the City Heights community to gather input on the design of this school.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include the City, the District, the City Heights Recreation Council and community members in City Heights.

LoMedico/Reynolds

Staff: Carol Wood - (619) 525-8217
Shannon Thomas - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-100: Inviting Bids for Water Group 682 Project.

(See Executive Summary Sheet dated 2/14/2007 and Engineering and Capital Project's PowerPoint. Uptown Community Area. District 2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1199) ADOPTED AS RESOLUTION R-302763

Approving the plans and specifications for the construction of Water Group 682 as advertised by Purchasing and Contracting Department, on Work Order No. 183971;

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, providing the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,316,152 from Water Fund 41506, CIP-73-083.0, Annual Allocation - Water Main Replacement, solely for construction, contingency, and Project related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces for a cost not to exceed \$287,877 from Water Fund 41500, CIP-73-083.0 Annual Allocation -Water Main Replacement for the construction of Sub CIP-73-851.7, Water Group 682;

Authorizing the City Auditor and Comptroller to return excess funds to the appropriate account;

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301(c) as this Project involves repair and replacement of existing facilities. (BID-K073731C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Information only. No action taken.

SUPPORTING INFORMATION:

Water Group 682 is part of the City of San Diego's continuing Annual Cast Iron Water Main Replacement Program as mandated by Department of Health Services Compliance Order No. 04-14-96-022. This project is located in the Uptown/Balboa Park Communities. This project includes the replacement of approximately 5,917 linear feet of existing 4-inch, 6-inch, and 10-inch old cast iron water mains with new 8-inch and 12-inch water mains. It also includes installing curb ramps and street resurfacing. The streets affected by construction operations within this project are: First Avenue through Fourth Avenue, and Juniper Street as shown on the Location Map. Traffic control shop drawings will be prepared by the contractor and implemented during construction.

As indicated in the Engineers' Project Cost Estimate for the use of City Forces it is estimated to be more economical than if done by contract. In addition, the Department of Health Services (DHS) under the California Safe Drinking Water Act requires certified operators to perform this type of work (work on live water mains) to ensure the integrity of the water system.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$2,316,152. Of the \$2,316,152 for the projects, \$526,404.20 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A and \$1,251,316.80 from currently anticipated to be a follow on water revenue debt issuance in Fiscal Year 2008. The remaining \$538,431 will be cash funded. Funding is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. This project will be phase-funded in FY07 and FY 08. No future funding is anticipated. Auditors Certificate will be issued prior to award of the contract.

PREVIOUS COUNCIL COMMITTEE ACTION:

The subject item was presented to the Natural Resources and Culture Committee for information only on February 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was presented to the Uptown and Balboa Committees in their meetings back in 2003. Also, the Committees Chairs were again notified of the current project status and asked for comments in November 2006. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents in this area will encounter inconvenience during construction. After completion, residents will experience improved reliability of the water system. Rick Engineering Company was authorized to perform examination and investigation of subsurface conditions including, properties of soil, geologic hazard, soil contamination and potential groundwater.

Boekamp/Haas

FILE LOCATION: W.O. #183971

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-101: Inviting Bids for Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project.

(See Executive Summary Sheet dated 4/27/2007; memorandum from Robert J. Ferrier dated 3/11/2005 (not available at the Committee); memorandum from Scott Tulloch dated 6/2/2004; and Draft Mitigated Negative Declaration Bearing Project No. 7055 dated 6/11/2004. Clairemont Mesa Community Area. District 6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1058) ADOPTED AS RESOLUTION R-302764

Approving the plans and specifications for the construction of Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project, on Work Order No. 178021;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,806,900; provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$560,902 within Fund No. 41506, from CIP-44-001.0, Annual Allocation – Sewer Main Replacements, to CIP-46-206.0, Annual Allocation - Accelerated Projects;

Authorizing the expenditure of an amount not to exceed \$1,806,900 from Fund No. 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects, solely and exclusively, to provide for project construction, contingency, City forces, and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding are, or will be, on deposit in the City Treasury;

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under Project #7055, Dakota Canyon Sewer. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department. (BID-K071571C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/4/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

On 6/9/2004, NR&C voted 5 to 0 to refer to the Sewer Canyon Task Force for review before forwarding to the full City Council for hearing. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

This project is part of the City of San Diego's ongoing program to upgrade the sewer system. This sewer is located at the bottom of a stream bed in Dakota Canyon and, due to its location, it is difficult to access for maintenance. Due to severe erosion, a portion of the pipe has been exposed. City maintenance crews have previously repaired this exposed portion of pipe and, because of the ongoing erosion, have continued to monitor the area. The redirection of flow study and cost benefit analysis completed for this project, concluded that it is not feasible to remove the pipe out of the canyon.

This project will relocate the pipe out of the stream bed, placing it in a new alignment higher up the slope. It will also solve the maintenance access problem by building an 8-foot access path for maintenance purposes. Construction on this project will consist of installing approximately 695 linear feet of new 8-inch sewer main, rehabilitating 520 linear feet of existing 8-inch sewer main, and abandoning 1,310 linear feet of existing 51 year old 8-inch sewer main.

Due to budget constraints related to a lack of bond financing, MWWD conducted a review of proposed accelerated pipe replacement projects and updated its list of priority projects. Based on the revised priority list, there are insufficient funds in the Annual Allocation - Accelerated Projects (CIP-46-206.0) for the construction of this project. This request is to transfer unencumbered funds from Annual Allocation - Sewer Main Replacements (CIP-44-001.0). There will be no impact on current or future projects or the rate case as a result of this transfer.

Property rights for this project were acquired by Council Resolution No. R-300250 adopted on March 15, 2005.

FISCAL CONSIDERATIONS:

The total amount of this request is \$1,806,900, of which \$1,245,998 is available in Fund 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects, and \$560,902 is available for transfer in Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements. There will be no impact on current or future projects or the rate case as a result of this transfer. The project costs may be bond reimbursed up to 80% by current or future debt financings. An Auditor's Certificate will be issued prior to award of the contract.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 15, 2005 the City Council adopted Resolution No. R-300250 authorizing the expenditure of \$120,000 for the acquisition of property rights required for the Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project.

Natural Resources and Culture Committee previously approved the project and MND on June 9, 2004.

This project was reviewed and approved by the Natural Resources and Culture Committee on June 4, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Clairemont Mesa Community Group approval on July 20, 2004.

Planning Commission Officer approval on September 9, 2004.

Since the last Community Group meeting in July 2004, we have been in contact with the Chairman of the Clairemont Mesa Community Group to keep him updated on the status of the project. Since there has been no change in the design and project scope, the community group did not see any benefit in continuing presenting the project at their meetings; therefore there have been no additional presentations since July 20, 2004. In addition, we have also been in contact with homeowners who have called us requesting updated information. We will go to the community within 30 days before construction and give a presentation on the construction process and schedule.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

A cost benefit analysis and redirection of flow study were completed in July of 2002.

A Biological report was done on March 12, 2004, and Mitigated Negative Declaration No. 7005 was prepared for this project.

Ferrier/Haas

Aud. Cert. 2700737.

FILE LOCATION: W.O. #178021

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Consultant Agreement with Boyle Engineering Corporation for Grant Funding Assistance.

(See Executive Summary Sheet dated 5/18/2007.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1222) ADOPTED AS RESOLUTION R-302765

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Consulting Agreement with Boyle Engineering, for consulting services for Grant Funding Assistance for the Water Department Policy & Strategic Planning Division in an amount not to exceed \$250,000;

Authorizing the expenditure of an amount not to exceed \$250,000 in Water Fund 41500, Organization 8320, solely and exclusively, for the purpose of providing funds for the above Consulting Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/4/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

SUPPORTING INFORMATION:

In December 2002, the City Council adopted the Long-Range Water Resources Plan 2002-2030 (LRWRP) which evaluated water supply alternatives for meeting the City's current and future water needs. The initial phase of the LRWRP is to develop and implement, by 2010, a water resources strategy that includes water conservation, recycled water, groundwater storage, groundwater desalination and water transfers.

Water Department has been applying for grants from the State (Proposition 13, Proposition 50, and Assembly Bill 84), Federal sources (Title XVI, EPA, and Corps of Engineers), and local and regional wholesale agencies (County Water Authority and Metropolitan Water District). In pursuing these grants, staff has found the process to be increasingly competitive, and has observed that the public agencies that are successful receive assistance from consultants. Grant applications are complex in nature and require specific technical information on the proposed projects. Many of these grant applications require weeks to prepare and have 50 or more pages.

Consultants who work with public agencies are familiar with the grant agencies, and the application process including scoring criteria which is the basis for awarding grants. With the new State initiative to use the Integrated Regional Water Management Plan (IRWMP) process for grant funding, consultant assistance will be even more important.

PROJECT DESCRIPTION

The project consists of consulting services to assist the Water Department in pursuing grant funding opportunities. The consultant will identify a range of alternate sources of grant funding including possible State, Federal, regional and local opportunities.

Specifically the following tasks will be accomplished through this consultant agreement:

- Research, formulate and provide recommendations on grant opportunities.
- Provide input to granting agencies for development of selection criteria.
- Assist in identifying eligible individual projects for specific grants.
- Prepare grant applications that place the City in a competitive position.
- Prepare high quality submittals that match grant criteria and maximize scores.
- Prepare scopes of work for competitive selection of consultants/contractors for projects.
- Additional as-needed services related to funding/grant activities.

FISCAL CONSIDERATIONS:

The total not-to-exceed contract amount of the Agreement is \$250,000. This action will make \$250,000 available in Water Fund 41500.

PREVIOUS COUNCIL/COMMITTEE ACTION:

On December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-2003-657. City Council Resolution R-301448, May 19, 2006, authorized agreements for two State Department of Water Resources (DWR) grants under Prop 50 for San Pasqual and San Diego Formation groundwater projects. City Council Resolution R-302384, March 5, 2007, authorized a consultant agreement with RBF to conduct a groundwater desalination demonstration project (\$1,500,000 grant funding from DWR Prop 50) in the San Pasqual Basin. This item was heard at the special Natural Resources and Culture Committee meeting on June 4, 2007, and unanimously approved.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Information pertaining to grant funded projects will be made available to the Independent Rate Oversight Committee. Additionally, successful grant endeavors will be posted on the City's website. Staff will provide briefings to community groups adjacent to grant funded projects or to groups identified as project beneficiaries.

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KEY STAKEHOLDERS:

Boyle Engineering, residents and businesses located adjacent to projects, environmental advocates, various governmental and regulatory agencies including, but not limited to: Community Planning Groups, County Water Authority and member agencies, Regional Water Quality Control Board, State Department of Health Services, County Department of Environmental Health, U.S. Fish and Wildlife Service, California Department of Fish and Game and U.S. Army Corps of Engineers.

Barrett/Haas

Aud. Cert. 2700800.

FILE LOCATION: MEETCOUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-103: Amendment to Memorandum of Understanding for the Integrated Regional Water Management Program.

(See Executive Summary Sheet dated 5/21/2007.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1225) ADOPTED AS RESOLUTION R-302766

Authorizing the Mayor, or his designee, to execute a First Amendment to the Memorandum of Understanding (MOU) between the City of San Diego, the County of San Diego, and the San Diego County Water Authority for the Integrated Regional Water Management Grant Program;

Authorizing the expenditure of an amount not to exceed \$200,000 from Water Fund 41500, Organization 860, Job Order 055102, solely and exclusively, for the purpose of providing funds for consulting services and related costs to implement the First Amendment to the MOU, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to appropriate reserves;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15060(c)(2) and that individual projects that receive grant funding will be subject to further CEQA review and approval.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/4/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Maienschein not present.)

SUPPORTING INFORMATION:

IRWM Planning is an effort to coordinate and integrate water supply, water quality, and environmental stewardship across a region to maximize benefits and resolve conflicts. The completed IRWM Plan will provide a mechanism for coordinating, refining, and integrating existing water management planning within a comprehensive, regional context; identify regional priorities for implementation projects; and provide additional stakeholder and funding support for the plans, programs, and projects of water management agencies and stakeholders.

Proposition 50, approved by California voters in 2002, authorizes \$500 million in state funds for IRWM projects. Proposition 84 (2006) authorizes \$1 billion for IRWM planning and projects in California, with \$91 million allocated specifically to the San Diego sub-region. San Diego is also eligible for \$100 million of unallocated statewide Prop 84 IRWM funding.

In June 2005, the City of San Diego (City), the County of San Diego (County), and the San Diego County Water Authority (Water Authority) formed, via an MOU, a Regional Water

Management Group (RWMG) to create the first ever IRWM Plan for the San Diego Region and to pursue Prop 50 IRWM grant funding. The Water Department represents the City on the RWMG. The RWMG applied for grant funding under the first round of Proposition 50 IRWM grants, but was not awarded funding primarily because San Diego's IRWM Plan was not complete.

The current action amends the MOU to direct the RWMG to complete the IRWM Plan incorporating both Proposition 50 and Proposition 84 criteria, apply for second round Proposition 50 IRWM grant funding, and pursue Proposition 84 IRWM grant funding.

A draft of San Diego's IRWM Plan will be released for public review in June 2007, with adoption by the RWMG agencies anticipated in late 2007. In June 2007 the Water Department will bring the draft IRWM Plan to the City Council as an informational item. Under terms of the amended MOU, the Water Authority has contracted for professional services to complete the IRWM Plan and prepare the Proposition 50 Round 2 IRWM grant funding application. The three RWMG agencies share equally in costs for this contract and other services related to pursuing Proposition 84 IRWM grant funding. The City's share is \$200,000.

FISCAL CONSIDERATIONS:

The total not-to-exceed amount of the City's equal share to implement the amended MOU is \$200,000. This action will make \$200,000 available in Water Fund 41500, Organization 861, Job Order 55023.

PREVIOUS COUNCIL/COMMITTEE ACTION:

On June 13, 2005, the City Council adopted Resolution R-300517 authorizing the City Manager to execute the initial MOU between the City, the County, and the Water Authority, and authorizing the expenditure of \$100,000 to cover the City's equal share of the funding to implement the initial MOU. On June 4, 2007, the Natural Resources and Culture Committee approved the currently requested action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Water Department, as a partner with the County and the Water Authority, has been actively involved in comprehensive public outreach efforts for the IRWM Plan, including three regional workshops and twenty-two presentations to interest groups. IRWM Planning was the focus of the Project Clean Water Summit held in June 2006 and attended by over 250 stakeholders. In late 2006 a Regional Advisory Committee (RAC) consisting of twenty-five experts in water supply, wastewater, stormwater, natural resources, and environmental stewardship assists in developing the IRWM Plan was formed. The RAC has met seven times and will continue to meet approximately monthly. A website (www.sdirwmp.org) disseminates information about the IRWM Plan.

KEY STAKEHOLDERS:

Stakeholders in IRWM Planning are any governmental or non-governmental entity that has a role in or is affected by the management of water in the San Diego Region. Key among these are the agencies and entities represented on the RAC (see Attachment 3).

Barrett/Haas

Aud. Cert. 2700816.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Traffic Signal on Old Carmel Valley Road at Sycamore Ridge School.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1054) ADOPTED AS RESOLUTION R-302767

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Memorandum of Understanding with the Del Mar Union School District for the installation of a traffic signal on Old Carmel Valley Road at Sycamore Ridge Elementary School, under the terms and conditions set forth in the Memorandum of Understanding;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-68-010.0, Traffic Signals-Citywide, by the amount of \$120,000;

Authorizing the City Auditor and Comptroller to accept the contribution of \$120,000 from the Del Mar Union School District for the above traffic signal and to deposit it in Fund No. 63022, Private and Developer Contributions to CIP, CIP-68-010.0, Traffic Signals-Citywide;

Authorizing the expenditure of an amount not to exceed \$120,000 from Fund No. 63022, Private Developer Contributions to CIP, CIP-68-010.0, Traffic Signals-Citywide, solely and exclusively, to provide funds for the traffic signal on Old Carmel Valley Road at Sycamore Ridge Elementary School, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, as the construction, installation or conversion of a small structure.

STAFF SUPPORTING INFORMATION:

This action will allow for the execution of a Memorandum of Understanding between the City of San Diego and the Del Mar Union School District. The Del Mar Union School District has agreed to contribute \$120,000 toward the design and construction of a new traffic signal on Old Carmel Valley Road adjacent to the Sycamore Ridge Elementary School. The installation of the new traffic signal will enhance safety in the area by providing a controlled crossing for pedestrians that cross Old Carmel Valley Road to and from the school. We anticipate completion by December 2007.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$120,000. The Del Mar Union School District is contributing \$120,000 toward the design and construction of the new traffic signal.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff has met with members of the community and the Del Mar Union School District.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Del Mar Union School District, the students of Sycamore Ridge School and the community will benefit.

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Malcolm X Library and Main Library Roof Replacements.

(Lincoln Park and Downtown Community Areas. Districts 2 and 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1221) ADOPTED AS RESOLUTION R-302768

Authorizing a \$871,255 increase in the Fiscal Year 2007 Capital Improvements Program Budget in CIP-37-035.0, Roof Replacement, Fund 630221, Contributions from 100 Funds;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$871,255 from Fund 100/601, General Fund, to CIP-37-035.0, Roof Replacement, Fund 630221, Contributions from 100 Fund for the purpose of funding the Projects;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$871,255 from CIP-37-035.0, Roof Replacement, Fund 630221, Contributions from 100 Fund, for the sole and exclusive purpose of providing funds for performing the Projects, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities.

STAFF SUPPORTING INFORMATION:

The City has not been able to perform the maintenance of City assets for many years. To address the resulting impacts, the City's FY07 included the replacement of a number of roofs at the City building facilities.

On October 24, 2006, the City Council approved the implementation of a Roofing General Requirements Contract (GRC) to perform Citywide roofing projects (R-30212).

The replacement of the roofs at Malcolm X Library and Main Library has been set as a priority for this year's deferred maintenance budget. These roofs are leaking and rapidly deteriorating, raising concerns on overall structural damage to the buildings.

The Malcolm X Library work involves removal and replacement of approximately 12,000 sf. of roofing system. The Contractor's cost proposal of \$311,776 is higher than the original estimated construction costs of \$181,000 due to an increase in scope of work and higher construction costs.

The Main library work involves removal and replacement of approximately 32,000 sf. of roofing system. The estimated construction cost is \$395,057.

FISCAL CONSIDERATIONS:

\$871,255 from Citywide Deferred Maintenance Budget, Fund 100, Dept. 601, will be transferred to CIP-37-035.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City's FY07 approved budget included the CIP-37-035.0, Roof Replacements.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City staff will work with the tenants of these facilities during the performance of these projects.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

This action will allow the City to perform Malcolm X Library and Casa Del Prado Roof Replacements and avoid possible costly property damages.

Oskoui/Haas/Boekamp

Aud. Cert. 2700814.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-106: TransNet Local Street and Road Program Regional Transportation Improvement Program Amendments.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1082 Cor. Copy, Rev. Copy)

ADOPTED AS AMENDED AS
RESOLUTION R-302769

Certifying that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the 5-year period consistent with Maintenance of Effort Requirements adopted by SANDAG Commission on June 24, 1988 and on May 28, 2004, pursuant to Section 8 of both TransNet Ordinances;

Certifying that TransNet funds programmed in the attached Program of Projects do not replace private developer funding which has been, or will be, committed for any Project, pursuant to Section 9 of the TransNet Ordinance;

Certifying that each project of \$250,000 or more will be clearly designated during construction with TransNet project funding identification signs, pursuant to Section 16 of the TransNet Ordinance 87-01 and Section 18 of Ordinance 04-01;

Certifying that all other applicable provisions of the TransNet Ordinances 87-01 and 04-01 have been met;

Agreeing to hold harmless and defending the SANDAG Commission against challenges related to local TransNet funded projects;

Authorizing the Mayor to amend the 2006 Regional Transportation Improvement Program (RTIP) and confirming that the City of San Diego is in compliance with the TransNet Ordinances as required by SANDAG;

Certifying that all other applicable provisions of TransNet Ordinance 87-01 and 04-01 have been met;

Agreeing to hold harmless and defending the SANDAG Commission against challenges related to local TransNet funded projects;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to the State Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The San Diego Transportation Improvement Program Ordinance and Expenditure Plan (87-01) and the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (04-01) extension provide that SANDAG, acting as the Regional Transportation Commission, shall approve a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (TransNet) funds.

Recent revisions to SANDAG TransNet Board policy states when quarterly amendments to the RTIP are submitted by local agencies and adjustments are made to projects identified as using TransNet Local Street and Road Program funds, those amendments must have accompanying agency resolutions approving the action.

The attached list of projects has been submitted to SANDAG for amendment to the existing 2006 RTIP. The list is reflective of the Fiscal Year 2008 TransNet Capital Improvements Program budget previously presented to Council and includes three project changes required as a result of the Fiscal Year 2006 TransNet audit.

FISCAL CONSIDERATIONS:

No cost associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Boekamp/Haas

Staff: Patty Boekamp - (619) 236-6274
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:31 a.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO DIRECT THE CITY ATTORNEY TO CRAFT LANGUAGE TO INCLUDE THE \$2,000 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM REQUIREMENT TO BE ENACTED NO LATER THAN JULY 2008, AND TO AMEND THE LANGUAGE ON PAGE 2 OF THE RESOLUTION TO READ "AUTHORIZING THE MAYOR TO FORWARD THE CITY COUNCIL'S AMENDMENTS TO THE 2006 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM." Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Transfer of Funds for Interim Remedial Action at the Mission Trails Golf Course.

(San Carlos Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1219) ADOPTED AS RESOLUTION R-302770

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, by the amount of \$165,000;

Authorizing the City Auditor and Comptroller to transfer the amount of \$165,000 from Fund No. 41500, Water Utility Operating Fund, to Fund No. 10524, Water Contributions to CIP for the purpose of funding CIP-33-084.0, Underground Hazardous Materials Storage Tanks;

Authorizing the City Auditor and Comptroller to appropriate \$165,000 from Fund 10524, Water Contributions to CIP to CIP-33-084.0, Underground Hazardous Materials Storage Tanks, for interim remediation of contaminated soil at the Mission Trails Golf Course;

Authorizing the expenditure of an amount not to exceed \$165,000 from Fund No. 10524, Water Contributions to CIP, CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively, to provide funds for interim remediation of contaminated soil at Mission Trails Golf Course;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to appropriate reserves on advice of the administering department;

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15330 because the activity is a minor action to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances.

STAFF SUPPORTING INFORMATION:

On May 3, 1991, two 1,000-gallon underground storage tanks (USTs) were removed from the maintenance yard at the Mission Trails Golf Course. Upon excavation of the USTs, one soil sample was collected beneath each end of the USTs. The samples confirmed the presence of gasoline hydrocarbons in the soil beneath the USTs.

In response to the discovery of the gasoline contaminated soil, the County of San Diego Department of Environmental Health (DEH) opened an Unauthorized Release Case and directed the site owner (Water Department) and the site operator (American Golf Corporation) to perform a site investigation to determine the full degree and extent of contamination related to the release.

After resolving issues regarding responsibility for the USTs, and under the guidance of the DEH, the City began working with its consultant to assess the site. In April of 1994, the City's Environmental Consultant, Emcon Associates, submitted a workplan to the DEH for the first phase of assessment work, consisting of the advancement of 3 soil borings and installation of 4 groundwater monitoring wells. In September of 1994, based on findings during the initial assessment, Emcon submitted a workplan for additional assessment work, consisting of the advancement of 5 soil borings and installation of 1 groundwater monitoring well. Following review of Emcon's Site Assessment Report related to the above-described activities, the DEH directed the City to perform additional assessment work to further delineate groundwater impacts at the site. In response to this directive, the City installed 2 additional groundwater monitoring wells in October of 1996. Between 1996 and 2004, a series of groundwater sampling and reporting events were conducted for the purposes of monitoring the site and evaluating the need for corrective action.

In April of 2004, the DEH notified the City that the case would be designated as a low priority/inactive status due to limited state funding for regulatory oversight and the conclusion by DEH that the case did not pose an imminent risk to beneficial use groundwater resources or human health receptors. In May of 2006, the City was notified that the UST Cleanup Fund would be sun setting in 2011 and responsible parties were encouraged to enroll their low priority cases into a special "Private Oversight Program" (POP) to allow resumption of progress on the assessment process and secure reimbursement of expenses prior to the cleanup Fund's expiration. The City immediately submitted the required application and the case was enrolled in the POP.

Upon review of the project files, the DEH project manager assigned to the POP case concurred with recommendations previously made by the City's environmental consultant related to corrective action and, on October 11, 2006, the DEH issued a letter directing the City to implement an interim remedial action at the site to excavate contaminated soil from the source of the release area.

The City obtained a proposal for the Interim Remedial Action from its contracted as-needed environmental consultant, Geocon Inc., on December 12, 2006. The scope of work will consist of excavating approximately 1,000 cubic yards of gasoline-impacted soil, transporting impacted soil off site for treatment, backfilling and paving excavated areas, and preparing documentation reporting to the DEH at an estimated cost of \$165,000.

FISCAL CONSIDERATIONS:

Requested funds are available in the Water Department's FY07 Operating Budget Allocation (Fund 41500, Water Utility Operating, Fund 10524, Water Contributions to CIP) and will be transferred to CIP-33-084.0 - Underground Hazardous Materials Storage Tanks.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-288765, adopted 6/9/97.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The proposed work scope will include the preparation of a Community Health and Safety Plan to mitigate potential exposure of the public to activities on site and assure community awareness. Public notices will be posted on all sides of the perimeter fence surrounding the site prior to implementation of the interim remedial action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

- 1) Geocon Consultants, Inc. - projected impact will be an increase in operating revenues from project.
- 2) Current concession operator - American Golf Corporation - projected impact will be temporary disruption to operations at the maintenance yard, which will be mitigated to the greatest extent possible.
- 3) Water Department - projected impact will be decrease in operating budget reserves.
- 4) Parties interested in quality of environment - projected impact will be protection of beneficial groundwater resources through removal of highly contaminated soil.
- 5) Neighboring residents - projected impact is anticipated to be minimal through implementation of community participation and public outreach efforts described above.

Heap/Haas

Aud. Cert. 2700813.

Staff: Craig Fergusson - (858) 627-3311
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-108: Traffic Signal at Bayside Walk and West Mission Bay Drive.

(Mission Beach Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1056) ADOPTED AS RESOLUTION R-302771

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program Budget to increase CIP 68-010.0, Traffic Signals - Citywide, by the amount of \$150,000;

Authorizing the City Auditor and Comptroller to transfer the amount of \$150,000 from Fund No. 10532, Belmont Park Traffic Amelioration Fund, to CIP-68-010.0, Traffic Signals – Citywide;

Authorizing the expenditure of an amount not to exceed \$150,000 from CIP-68-010.0, Traffic Signals - Citywide, solely and exclusively, to provide funds to install a traffic signal on Bayside Walk and West Mission Bay Drive, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, as the construction, installation or conversion of a small structure.

STAFF SUPPORTING INFORMATION:

This action will authorize the Mayor to appropriate and expend \$150,000 of Belmont Park Traffic Amelioration Funds for the installation of a traffic signal at Bayside Walk and West Mission Bay Drive. This location has met the criteria established in Council Policy 200-06 for the installation of a traffic signal.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$150,000. With this action, funds in the amount of \$150,000 will be available in CIP-68-010.0 from the Belmont Park Traffic Amelioration Fund, Fund 10532.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Mission Beach Precise Planning Board supports the installation of the traffic signal.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Staff is not aware of any individual or organization opposed to this proposal.

Boekamp/Haas

Aud. Cert. 2700703.

Staff: Deborah Van Wanseele - (619) 533-3012
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maisenschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: 5998 Camino De La Costa Storm Drain Replacement.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1195) ADOPTED AS RESOLUTION R-302772

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$174,761 from CIP-13-005.0, Emergency Drainage Projects to CIP-52-338.0, Camino De La Costa Storm Drain Replacement Job Order 523388);

Authorizing the appropriation and expenditure of an amount not to exceed \$174,761 from CIP-52-338.0, Camino De la Costa Storm Drain Replacement, Job Order 523388), solely and exclusively, for the purpose of providing funds for Camino De La Costa Storm Drain Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is covered under Mitigated Negative Declaration No. 40117, LDR File No. 41014, dated April 22, 2005, adopted by the City Council November 22, 2006, by Resolution No. R-5581. This activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

Relatively rapid marine erosion of sea caves has undermined the end of street improvements, including the existing 18-inch corrugated metal storm drain pipe, at 5998 Camino De la Costa. What is left of the existing storm drain pipe is badly corroded and its function is compromised.

The proposed project will restore the storm drain pipe and prevent any impact to the nearby existing underground Sewer Pump Station #20 and other existing facilities. Staff has prepared the construction documents, including plans and specifications, to advertise and bid the project for construction. The Development Services Department has issued coastal development and site development permits for the project. Because this project is located along the beach area, no construction work will be scheduled during the beach summer moratorium. The project was partially funded with an allocation of \$17,239 from Capital Outlay, \$130,039 from TOT Coastal Infrastructure and Facilities (Fund 1022321), \$75,000 from Sewer Revenue Fund (Fund 41506), and \$94,961 from TransNet (Fund 30300). An additional \$174,761 is needed to complete project funding for construction. The Auditor's Certificate will be provided prior to contract award.

FISCAL CONSIDERATIONS:

\$174,761 is available in CIP-13-005.0, Emergency Drainage Projects, for this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-299853, dated November 22, 2004, authorized the appropriation and expenditure of \$150,000; \$75,000 of which was transferred from Fund 41506, Sewer Revenue Fund, and \$75,000 was from TransNet funds.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The La Jolla Community Planning Association voted approval of this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Beach users. In addition to protecting street end improvements, this project will protect people using the beach below.

Boekamp/Haas

Aud. Cert. 2700792.

Staff: Jamal Batta - (619) 533-3769
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-110: Cooperative Agreement with Caltrans for Conveyance of Easements for State Route 905.

(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1132) ADOPTED AS RESOLUTION R-302773

Authorizing the Mayor to execute, for and on behalf of the City, an Agreement with the State of California, for the conveyance of easements for the construction of State Route 905 (Project), under the terms and conditions set forth in the Agreement;

Declaring this activity is covered under the Final EIR/EIS for State Route 905, SCH#95031031. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously-approved project, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The State of California (Caltrans) will be constructing State Route 905 from east of the interchange with Interstate 805 to the Otay Mesa Port of Entry. To do so, Caltrans will require the temporary control of various City drainage and flowage easements in or adjacent to the project's right-of-way. The cost of any improvements or changes to the easements will be borne by Caltrans as part of the construction. Upon completion of the freeway construction project, the easements will be conveyed back to the City.

FISCAL CONSIDERATIONS:

None. All costs related to the project will be borne by Caltrans.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council approved a Freeway Agreement for the construction of State Route 905 on October 10, 2005.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Caltrans, as project construction manager, is a key stakeholder.

Boekamp/Haas

Staff: Larry Van Wey - (619) 533-3005
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-111: Approving the Final Map of Pacific Highlands Ranch Unit No. 6 Including Street Vacation.

(Pacific Highlands Ranch Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1216 Cor. Copy) ADOPTED AS RESOLUTION R-302774

Approving and accepting the final map of Pacific Highlands Ranch Unit No. 6.

STAFF SUPPORTING INFORMATION:

This map is located northwesterly of Del Mar Heights Road and Carmel Valley Road in the Pacific Highlands Ranch Community Plan area in Council District 1. This map requires City Council approval because there is a street being vacated on the map. The street, Zinnia Hills Place as shown on Engineering Drawing No. 20030-B, was dedicated as a cul-de-sac at no cost to the City by document recorded January 9, 2004 as F/P 2004-0018924. The cul-de-sac is being removed/vacated to make Zinnia Hills Place a through-street.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Community Planning group has no objection to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pardee Homes

Broughton/Waring

Staff: G. Bollenbach - (619) 446-5417
Nina M. Fain - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-112: Regional Interoperable Communications Development Grant Funded Expenditures – Phase 2 – Harris Stratex Networks, Inc.

(See Report to the City Council No. 07-112.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1192) ADOPTED AS RESOLUTION R-302775

Authorizing the City Auditor and Comptroller to expend a maximum of \$2,099,469 in grant funds to purchase microwave communication hardware from Harris Stratex Networks, Inc. as required for this grant-funded project;

Authorizing the City Purchasing Department to purchase this equipment, in compliance with the grant programs, City contract regulations, and according to the original terms of the competitive bid;

Authorizing the Chief of Police to direct and oversee this purchase, in compliance with the grant program.

STAFF SUPPORTING INFORMATION:

On June 22, 2006, in Resolution R-301551, Council authorized City to accept and expend grant funds from the FY 2006 Homeland Security Grant Program. Based on the prioritization of regional projects by the Unified Disaster Council's Urban Area Working group, the Regional Command and Control Communications (3Cs) Project's second phase was allocated \$3,602,996 in grant funds.

The 3Cs network will continue improving public safety by adding capacity and linking area emergency services in an integrated, interoperable microwave communication network. This will establish reliable and secure transport of high speed and high capacity voice and data communications during critical incidents.

The City wishes to engage Harris Stratex Networks, Inc. to provide microwave equipment that serves as the infrastructure for this enhanced communication system, in an amount based on actual documented services/products, but not to exceed \$2,099,469. This vendor was selected by competitive bid process conducted by City Communications (IT&C).

FISCAL CONSIDERATIONS:

All costs of this expenditure are grant funded. Grant funds are not to exceed \$2,099,469. No City funds are required. There is no requirement to continue grant funded activities, expenditures or programs after grant funds are depleted or terminated. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- ✓ On April 11, 2005, in Resolution R-300311, Council authorized City to accept and expend a federal grant of \$6 million for the development of a far-southwest region interoperable Command and Control Communications system (3Cs).
- ✓ On June 22, 2006, in Resolution R-3001551, Council authorized City to accept and expend grant funds from the FY 2006 Homeland Security Grant Program.
- ✓ On July 11, 2006, in Resolution R-301636, Council authorized City to expend a maximum of \$5 million with Harris Stratex Networks, Inc. to purchase microwave communication hardware as required by this grant program.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Harris Stratex Networks, Inc.

Lansdowne/Olen

Aud. Cert. 2700806.

Staff: Donna J. Warlick - (619) 531-2221
John C. Hemmerling - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-113: Grant Award from the California Air Resources Board (CARB).

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1202) ADOPTED AS RESOLUTION R-302776

Authorizing the Mayor, or his designee, to accept, for and on behalf of the City, a grant award from California Air Resources Board (CARB) in the amount of \$128,925, under the terms and conditions set forth in Grant Number G06-PA26, Grant Award Agreement;

Authorizing the City Auditor and Comptroller to accept and appropriate grant funds and to deposit same into Vehicle Replacement Fund No. 50031;